

NINETEENTH DAY

(Continued)

(Friday, November 9, 1934)

The House met at 10 o'clock a. m., and was called to order by Speaker Stevenson.

LEAVES OF ABSENCE GRANTED

(By Unanimous Consent)

On motion of Mr. Celaya, the following Members of the conference committee on Senate Bill No. 2 were granted leaves of absence, in order that they might attend the meeting of the conference committee: Messrs. Moore, Latham, Jones of Runnels, Graves and Engelhard.

Mr. Ford was granted leave of absence for yesterday afternoon and today, on motion of Mr. Head, on account of important business.

Mr. Greathouse was granted temporary leave of absence this morning to attend a committee meeting in the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 6

Mrs. Hughes submitted the following conference committee report on House Bill No. 6:

Committee Room,

Austin, Texas, November 5, 1934.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and Senate on House Bill No. 6, beg leave to submit the following report:

We have had House Bill No. 6 under consideration, and recommend the adoption of the attached bill:

"H. B. No. 6,

A BILL

To Be Entitled

An Act providing that on and after January 1, 1935, ad valorem taxes shall be assessed and levied in such a way as to permit the payment, during the months of October, November, and December of the year for which such taxes are assessed, of certain percentages of the amount that such taxes would be if paid after the expiration of the

year; prescribing forms for such assessments and payments, and providing for the manner by which said provisions would apply to cities, towns, and independent school districts; amending Article 7336, of the Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 311, Chapter 117, of the General Laws of the Forty-second Legislature, so as to add provisions for a graduated penalty on all ad valorem and poll taxes not paid on or before the 31st day of January, following the year for which such taxes are assessed and for interest on such taxes from the date of delinquency, for setting the date of delinquency, for amending the provisions as to preparing lists of delinquent taxes and providing for certain matters to be contained in delinquent tax statements; providing for the release of penalty and interest on certain ad valorem and poll taxes for 1934 if this bill does not become effective until after February 1, 1935, and providing for penalty and interest on same thereafter; repealing all laws and parts of laws in conflict; providing that if any clause, section, sentence, paragraph or part of the Act be held invalid, such invalidity shall not invalidate the remainder; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. On and after January 1, 1935, ad valorem taxes shall be assessed and levied in such a way:

(1) That such taxes, if entirely paid during the month of October of the year for which such taxes are assessed, will be ninety-seven per cent (97%) of the amount that such taxes would be if paid after the expiration of said year;

(2) That such taxes, if entirely paid during the month of November of the year for which such taxes are assessed, will be ninety-eight per cent (98%) of the amount that such taxes would be if paid after the expiration of said year; and

(3) That such taxes, if entirely paid during the month of December of the year for which such taxes are assessed, will be ninety-nine per cent (99%) of the amount that such taxes would be if paid after the expiration of said year.

(4) That such taxes, if entirely paid during the month of January after the year for which such taxes

are assessed, will be one hundred per cent (100%) of the amount of such taxes assessed.

The Comptroller of Public Accounts shall prescribe suitable forms for tax rolls to be used by the assessor and collector of taxes in making such assessments and in crediting payment thereof.

The provisions of this section shall not apply to ad valorem taxes of any city, town, or independent school district, unless and until the governing body thereof shall pass an ordinance or resolution providing that the provisions of this section shall apply to ad valorem taxes of such city, town, or independent school district.

Sec. 2. Article 7336, of the Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 311, Chapter 117, of the General Laws of the Forty-second Legislature, Regular Session, is hereby amended so as hereafter to read as follows:

"Article 7336. If any person shall pay, on or before November thirtieth of the year for which their assessment is made, one-half of the taxes imposed by law on him or his property, then he shall have until and including the thirtieth day of the succeeding June, within which to pay the other one-half of his said taxes without penalty or interest thereon.

"If said taxpayer, after paying said one-half of his taxes on or before November thirtieth, as hereinbefore provided, shall fail or refuse to pay, on or before June thirtieth next succeeding said November, the other one-half of his said taxes, a penalty of eight per cent (8%) of the amount of said unpaid taxes shall accrue thereon.

"If any person fails to pay one-half of the taxes, imposed by law upon him or his property, on or before the thirtieth day of November of the year for which the assessment is made, then unless he pays all of the taxes (imposed by law on him or his property), on or before the thirty-first day of the succeeding January, the following penalty shall be payable thereon, to wit: During the month of February, one per cent (1%); during the month of March, two per cent (2%); during the month of April, three per cent (3%); during the month of May, four per cent (4%); during the month of June, five per cent (5%); and on and after the first day of July, eight per cent (8%).

"If any person fails to pay the

poll taxes, imposed by law upon him, until after the thirty-first day of January next succeeding the year for which said poll tax was assessed, the following penalty shall be payable thereon, to wit: During the month of February, one per cent (1%); during the month of March, two per cent (2%); during the month of April, three per cent (3%); during the month of May, four per cent (4%); during the month of June, five per cent (5%); and on and after the first day of July, eight per cent (8%).

"All ad valorem and poll taxes shall become delinquent if not paid by July first of the year next succeeding the year for which the return of the assessment rolls of the county are made to the Comptroller of Public Accounts. All delinquent taxes shall bear interest at the rate of six per cent (6%) per annum from the date of their delinquency.

"All penalties and interest provided in this Act shall, when collected, be paid to the State, counties and districts, if any, in proportion to the taxes upon which the penalties and interest are collected.

"The assessor and collector of taxes shall, as of the first day of July of each year for which any State, county and district taxes for the preceding year remain unpaid, make up a list of the lands and lots and/or property on which any taxes for such preceding years are delinquent, charging against the same all unpaid taxes assessed against the owner thereof on the rolls for said year.

"Penalties, interest and costs accrued against any land, lots and/or property need not be entered by the assessor and collector of taxes on said list but, in each and every instance, all such penalties, interest and costs shall be and remain a statutory charge with the same force and effect as if entered on said list, and the assessor and collector of taxes shall calculate and charge all such penalties, interest and costs on all delinquent tax statements or delinquent tax receipts issued by him.

"Said list shall be made in triplicate and presented to the commissioners court for examination and correction, and after being so examined and corrected said list in triplicate shall be approved by said court. One copy thereof shall be filed with the county clerk or auditor, one copy retained and filed with the assessor and col-

lector of taxes, and one copy forwarded to the Comptroller with the annual statement report of the assessor and collector of taxes. Said list, as compiled by the assessor and collector of taxes, and corrected by the commissioners court, or the rolls or books on file in the office of the assessor and collector of taxes, shall be prima facie evidence that all the requirements of the law have been complied with by the officers of courts charged with any duty thereunder, as to regularity of listing, assessing, and levying all taxes therein set out, and that the amount assessed against said real estate is a true and correct charge. If the description of the real estate in said list or assessment rolls or books is not sufficient to identify the same, but there is a sufficient description in the inventories in the office of the assessor and collector of taxes, then said inventories shall be admissible as evidence of the description of said property.

"The Comptroller of Public Accounts shall prescribe suitable forms to be used by the assessor and collector of taxes for noting thereon the payment of taxes in semi-annual installments. He shall also prescribe suitable forms for receipts, reports and for any other purpose necessary in carrying out the provisions of this section.

"This provision is cumulative of all other provisions of the statutes of the State prescribing the duties of the Comptroller of Public Accounts."

Sec. 2a. If this Act does not become effective until after February 1, 1935, then in that event all interest and penalties that may have accrued on ad valorem and poll taxes delinquent for the year 1934 and to which Section 2 applies, are hereby released and said taxes shall be paid with the same penalties and interest as set out in Section 2 hereof; it being the purpose and intent of the Legislature that the policy as to penalty and interest set up in Section 2 shall in any event apply to the taxes assessed for the year 1934.

Sec. 3. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed in so far as the same are in conflict with the provisions hereof.

Sec. 4. It is further provided that in case any section, clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent or final jurisdic-

tion to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, or paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Sec. 5. The fact that millions of dollars in taxes are now due and have been due to the State of Texas and its subdivisions for many years past by taxpayers who could and would meet their obligations to the State Government if a reasonable penalty and reasonable rate of interest were charged and continued to be charged to all taxpayers alike during the coming years, creates an emergency and imperative public necessity that the constitutional rule, requiring all bills to be read on three several days in each House, be, and the same is hereby, suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted.

Respectfully submitted,

POAGE,
COLLIE,
ONEAL,
REDDITT,
PACE,

On the Part of the Senate.

HUGHES,
JONES of Atascosa,
GOOD,
LOTIEF,
POPE,

On the Part of the House.

On motion of Mrs. Hughes, the report was adopted by the following vote:

Yeas—107

Aikin.	Daniel.
Alexander.	Davidson.
Alsup.	Dean.
Atchison.	Duvall.
Barrett.	Dwyer.
Beck.	Fain.
Bedford.	Fisher.
Bergman.	Fuchs.
Bourne.	Glass.
Burns.	Good.
Calvert.	Goodman.
Camp.	Griffith.
Canon.	Hankamer.
Cathey.	Harman.
Chastain.	Harris.
Clayton.	Hartzog.
Colson.	Head.
Coombes.	Hicks.
Crossley.	Hill.

Hodges.	Ramsey.
Holekamp.	Ratliff.
Holland.	Ray.
Holloway.	Reader.
Hoskins.	Reed of Bowie.
Huddleston.	Reed of Dallas.
Hughes.	Renfro.
Hyder.	Roark.
Jackson.	Roberts.
James.	Rogers
Johnson	of Ochiltree.
of Anderson.	Rollins.
Jones of Atascosa.	Savage.
Jones of Shelby.	Scarborough.
Kayton.	Scott.
Kyle of Palo Pinto.	Shannon.
Lange.	Smith.
Leonard.	Stanfield.
Lindsey.	Steward.
Lotief.	Stinson.
Mackay.	Stovall.
Magee.	Stubbeman.
McGregor.	Tarwater.
Merritt.	Thomas.
Metcalf.	Tillery.
Mitcham.	Townsend.
Moffett.	Turlington.
Morrison.	Van Zandt.
Morse.	Vaughan.
Munson.	Venable.
Nicholson.	Walker.
Palmer.	Wells.
Parkhouse.	Winningham.
Pavlica.	Wood.
Pope.	Young.
Puryear.	

Absent

Anderson.	Jefferson.
Baker.	Kyle of Hays.
Barron.	Laird.
Bradley.	Lemens.
Butler.	Long.
Caven.	Mathis.
Celaya.	McCullough.
Cowley.	McKee.
Devall.	Patterson.
Dunlap.	Riddle.
Dunagan.	Rogers of Hunt.
Golson.	Shults.
Harrison.	Tennyson.
Hunt.	Wagstaff.
Hunter.	Weinert.

Absent—Excused

Adamson.	Johnson
Engelhard.	of Dimmit.
Ford.	Jones of Runnels.
Graves.	Latham.
Greathouse.	McDougald.
Hester.	Moore.
	Russell.

HOUSE BILL NO. 77 ON SECOND
READING

On motion of Mr. Jones of Atascosa, by unanimous consent, the reg-

ular order of business was suspended to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 77, A bill to be entitled "An Act authorizing county commissioners courts to purchase materials for the purpose of aiding and co-operating with the agencies of the State and Federal Government in the construction of buildings for the purpose of housing canneries and canning factories where appropriations have been or may hereafter be made out of the Federal and State funds set aside for the relief of the unemployed and needy people in the State of Texas; etc., and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 77 ON THIRD
READING

Mr. Jones of Atascosa moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Aikin.	Head.
Alexander.	Hicks.
Alsup.	Hill.
Atchison.	Hodges.
Barrett.	Holekamp.
Beck.	Holland.
Bedford.	Hoskins.
Bergman.	Huddleston.
Bourne.	Hunt.
Burns.	Hunter.
Calvert.	Hyder.
Canon.	Jackson.
Cathey.	James.
Clayton.	Johnson
Colson.	of Anderson.
Crossley.	Jones of Atascosa.
Daniel.	Jones of Shelby.
Davidson.	Kayton.
Dean.	Kyle of Hays.
Duvall.	Kyle of Palo Pinto.
Dwyer.	Laird.
Fain.	Leonard.
Fisher.	Lindsey.
Fuchs.	Lotief.
Glass.	Magee.
Good.	Mathis.
Goodman.	McCullough.
Hankamer.	Merritt.
Harman.	Metcalf.
Harris.	Moffett.
Hartzog.	Morse.

Munson.	Scott.
Nicholson.	Shannon.
Palmer.	Smith.
Parkhouse.	Stanfield.
Patterson.	Steward.
Pavlica.	Stinson.
Puryear.	Stovall.
Ratliff.	Stubbeman.
Ray.	Tarwater.
Reader.	Thomas.
Reed of Bowie.	Townsend.
Reed of Dallas.	Turlington.
Renfro.	Van Zandt.
Roark.	Vaughan.
Roberts.	Venable.
Rogers	Walker.
of Ochiltree.	Weinert.
Rollins.	Wells.
Savage.	Wood.
Scarborough.	Young.

Nays—3

Chastain.	Winningham.
Tillery.	

Absent

Anderson.	Hughes.
Baker.	Jefferson.
Barron.	Lange.
Bradley.	Lemens.
Butler.	Long.
Camp.	Mackay.
Caven.	McGregor.
Celaya.	McKee.
Coombes.	Mitcham.
Cowley.	Morrison.
Devall.	Pope.
Dunlap.	Ramsey.
Dunagan.	Riddle.
Golson.	Rogers of Hunt.
Griffith.	Shults.
Harrison.	Tennyson.
Holloway.	Wagstaff.

Absent—Excused

Adamson.	Johnson
Engelhard.	of Dimmit.
Ford.	Jones of Runnels.
Graves.	Latham.
Greathouse.	McDougald.
Hester.	Moore.
	Russell.

The Speaker then laid House Bill No. 77 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Aikin.	Barrett.
Alexander.	Beck.
Alsup.	Bedford.
Atchison.	Bergman.
Baker.	Bourne.

Calvert.	Lotief.
Canon.	Mackay.
Cathey.	Magee.
Clayton.	Mathis.
Crossley.	McCullough.
Daniel.	Merritt.
Davidson.	Metcalfe.
Dean.	Moffett.
Dunlap.	Morse.
Duvall.	Munson.
Dwyer.	Nicholson.
Fain.	Palmer.
Fisher.	Parkhouse.
Fuchs.	Pavlica.
Glass.	Puryear.
Golson.	Ratliff.
Good.	Ray.
Goodman.	Reader.
Greathouse.	Reed of Bowie.
Hankamer.	Reed of Dallas.
Harman.	Renfro.
Harris.	Roark.
Hartzog.	Roberts.
Head.	Rogers
Hicks.	of Ochiltree.
Hill.	Rollins.
Hodges.	Savage.
Holekamp.	Scarborough.
Holland.	Scott.
Holloway.	Shannon.
Hoskins.	Smith.
Huddleston.	Stanfield.
Hughes.	Steward.
Hunt.	Stinson.
Hunter.	Stovall.
Hyder.	Stubbeman.
Jackson.	Tarwater.
James.	Thomas.
Johnson	Townsend.
of Anderson.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Vaughan.
Kayton.	Venable.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Weinert.
Laird.	Wells.
Leonard.	Wood.
Lindsey.	Young.

Nays—2

Chastain.	Winningham.
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Absent

Anderson.	Griffith.
Barron.	Harrison.
Bradley.	Jefferson.
Burns.	Lange.
Butler.	Lemens.
Camp.	Long.
Caven.	McGregor.
Celaya.	McKee.
Colson.	Mitcham.
Coombes.	Morrison.
Cowley.	Patterson.
Devall.	Pope.
Dunagan.	Ramsey.

Riddle.	Tennyson.
Rogers of Hunt.	Tillery.
Shults.	Wagstaff.

Absent—Excused

Adamson.	Jones of Shelby.
Engelhard.	Latham.
Ford.	McDougald.
Graves.	Moore.
Hester.	Russell.
Johnson	
of Dimmit.	

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, November 9, 1934.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 19, A bill to be entitled "An Act to amend Subdivision 44, of Article 1302, Title 32, of the Revised Civil Statutes of Texas, 1925, by providing additional purposes for which corporations may be formed under the laws of the State of Texas, and further specifically providing that the drilling and operation of mineral water wells and the manufacturing of mineral crystals and other by-products of mineral water therefrom and the sale of such products of mineral water may be combined with the business of conducting a hotel, office building, opera and playhouse, department house, or steam laundry, and declaring an emergency."

S. B. No. 21, A bill to be entitled "An Act amending Article 2827, of the Revised Civil Statutes of 1925, by adding thereto Subdivision 3 authorizing independent school districts of the class defined in this Act to issue notes in purchasing lands and erecting buildings for school purposes and to secure such notes by vendor's liens and/or deed of trust liens on the property so acquired and to make provision for the payment of such debts and interest thereon by setting aside for, and appropriating for that purpose, a part of the local school funds of the district for the current year and/or subsequent years, the part so set side not to exceed in the aggregate for any one subsequent year ten per cent (10%) that year; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

The Senate has adopted

S. C. R. No. 6, Granting W. H. Mc-

Kenzie of Monahans, Texas, permission to bring suit against the State of Texas.

The Senate has passed

H. B. No. 15, A bill to be entitled "An Act to make it unlawful to take or catch in any manner from any of the public waters, rivers, creeks or lakes in Gonzales County, any bass, crappie, white perch, calico bass or brem, or to have in his possession or retain in any way any bass, crappie, white perch, calico bass or brem caught or taken from such waters during certain months; and fixing a penalty for violation of this Act." (With amendments.)

H. B. No. 23, A bill to be entitled "An Act changing the time of holding the terms of the district court in the One Hundredth Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in the counties composing said district; etc., and declaring an emergency."

H. B. No. 26, A bill to be entitled "An Act amending Article 1976, of Title 42, Chapter 1, of the 1925 Revised Civil Statutes of the State of Texas, so as to provide the actual possession of property not necessary to maintain action provided for in Article 1975, Title 42, Chapter 1, of the 1925 Revised Civil Statutes of Texas; providing the manner of service on defendant or defendants in such action, and declaring an emergency."

H. B. No. 31, A bill to be entitled "An Act validating bonds issued, authorized by ordinance to be issued and/or attempted to be issued under the authority of Articles 1111 to 1118, both inclusive, of the Texas Revised Civil Statutes of 1925, and the amendment thereto contained in Acts, 1933, Forty-third Legislature, page 320, Chapter 122, for the purpose of improving and extending an existing municipal sewer system by Home Rule cities having a population in excess of 100,000 inhabitants, according to the last preceding Federal Census, and which bonds are payable exclusively from the revenue of such systems, etc., and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act amending Chapter 28 of the Special Laws of the First Called Session of the Forty-third Legislature, and declaring an emergency."

H. B. No. 42, A bill to be entitled

"An Act making appropriation out of any moneys appropriated to pay for record cases, equipment and furnishings for the Record Bureau to be purchased by the State Board of Control, and declaring an emergency."

H. B. No. 43, A bill to be entitled "An Act making appropriation for the enforcement of the Boxing and Wrestling Law during the fiscal year ending September 1, 1935, and declaring an emergency."

H. B. No. 47, A bill to be entitled "An Act to amend Chapter 68, Acts of the First Called Session of the Forty-third Legislature, creating a conservation and reclamation district by the name of 'Lower Neches Valley Authority,' so as to better provide for securing Federal funds for such district and provide work for the relief of unemployed persons of Texas, and requiring submission by said district preliminary to issuing any obligations under said Act, of a certified copy of such obligations and of the proceedings authorizing the issuance of such obligations to the Attorney General of Texas for approval, and requiring such obligations, when so approved, to be registered by the Comptroller of the State of Texas; etc., and declaring an emergency." (With amendments.)

H. B. No. 53, A bill to be entitled "An Act making an appropriation to pay deficiency claims accruing in the State Banking Department during the fiscal year ending August 31, 1934, and declaring an emergency."

H. B. No. 39, A bill to be entitled "An Act amending Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended, so as to extend the time within which the contracts, bonds, notes, or other evidence of indebtedness authorized by said Chapter 130, as amended, shall not be issued or executed after the 31st day of December, 1935, and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act to provide that all cities situated not more than one hundred (100) miles from the Gulf of Mexico, and not more than fifty (50) miles from any stream forming an international boundary, may mortgage and encumber their abattoirs and the income thereof, for the purpose of constructing, acquiring or improving the same; providing for manner of issuance of notes or warrants for such purposes, and providing that this law

shall take precedence over conflicting charter provisions; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act authorizing cities and towns having a population of not more than twenty-eight thousand (28,000) inhabitants nor less than twenty-seven thousand (27,000) inhabitants, as shown by the next preceding Federal Census, to build, construct, enlarge, encumber or purchase municipal boat-houses, and boat piling protections, and wharfs, docks, walks, ways, walls, bulkheads and fills in connection with and in aid of the use of such boat-houses and boat piling protections; etc., and declaring an emergency."

H. B. No. 70, A bill to be entitled "An Act to amend Chapter 13 of Title 49, Revised Civil Statutes of 1925, by adding thereto an additional article to be known as Article 2790-d, authorizing independent school districts located partly in three or more counties of this State to issue refunding warrants in lieu of and in extension of eligible vouchers; etc., and declaring an emergency." (With amendments.)

H. B. No. 75, A bill to be entitled "An Act to amend Article 880 of the Penal Code of 1925 by providing that Brazoria County be added to the list of counties excepted from the provisions of said article, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 14 ON SECOND READING

On motion of Mr. Harman, the Forty-eight-Hour Rule, relative to the consideration of bills on second reading, was suspended for the purpose of considering, at this time, Senate Bill No. 14.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 14, A bill to be entitled "An Act making an appropriation of fifteen hundred dollars (\$1,500), or so much thereof as may be necessary, out of any money in the State Treasury not otherwise appropriated, to be used by the State Depository Board to pay rent for safety deposit boxes rented by the board from any bank located in the City of Austin for the purpose of depositing securities,

where such obligations for rent have been incurred by the State Depository Board pursuant to Article 2530, Revised Statutes of 1925, as amended by the Acts of the Forty-third Legislature, Regular Session, or as amended by the Acts of the Forty-third Legislature, Second Called Session, and declaring an emergency."

The bill was read second time.

Mr. Harman offered the following amendment to the committee amendment:

Amend Senate Bill No. 14 by adding a new paragraph, as follows:

"For the purchase of law books for the Court of Civil Appeals, Second Supreme Judicial District, Fort Worth, the sum of \$1,581.25."

The amendment was adopted.

Mr. Aikin offered the following amendment to the bill:

Amend Senate Bill No. 14 by striking out all of Sections 2-a, 2-b, and 2-c.

Mr. Stanfield moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64

Alexander.	McGregor.
Baker.	McKee.
Bedford.	Mitcham.
Bourne.	Moffett.
Bradley.	Morse.
Burns.	Munson.
Butler.	Nicholson.
Camp.	Patterson.
Cathey.	Pavlica.
Chastain.	Pope.
Clayton.	Ramsey.
Crossley.	Ratliff.
Daniel.	Reader.
Dean.	Roark.
Fain.	Roberts.
Fisher.	Rogers
Goodman.	of Ochiltree.
Greathouse.	Rollins.
Griffith.	Savage.
Hankamer.	Scarborough.
Harman.	Stanfield.
Hartzog.	Stinson.
Hodges.	Stovall.
Hoskins.	Stubbeman.
Hunter.	Tarwater.
Jackson.	Thomas.
James.	Townsend.
Jones of Atascosa.	Turlington.
Jones of Shelby.	Walker.
Kyle of Hays.	Weinert.
Kyle of Palo Pinto.	Wells.
Long.	Young.
Mackay.	

Nays—52

Aikin.	Lindsey.
Alsup.	Lotief.
Anderson.	Magee.
Atchison.	Mathis.
Barrett.	McCullough.
Beck.	Merritt.
Bergman.	Morrison.
Calvert.	Palmer.
Canon.	Parkhouse.
Coombes.	Puryear.
Dunagan.	Ray.
Dwyer.	Reed of Bowie.
Fuchs.	Reed of Dallas.
Glass.	Renfro.
Good.	Rogers of Hunt.
Harris.	Scott.
Harrison.	Shannon.
Hicks.	Smith.
Hill.	Steward.
Holekamp.	Tennyson.
Huddleston.	Tillery.
Hughes.	Van Zandt.
Hunt.	Vaughan.
Johnson	Wagstaff.
of Anderson.	Winningham.
Laird.	Wood.
Lemens.	

Absent

Barron.	Holland.
Caven.	Holloway.
Celaya.	Hyder.
Colson.	Jefferson.
Cowley.	Kayton.
Davidson.	Lange.
Devall.	Leonard.
Dunlap.	Metcalfe.
Duvall.	Riddle.
Golson.	Shults.
Head.	Venable.

Absent—Excused

Adamson.	Jones of Runnels.
Engelhard.	Latham.
Ford.	McDougald.
Graves.	Moore.
Hester.	Russell.
Johnson	
of Dimmit.	

Mr. Aikin offered the following amendment to the bill:

Amend Senate Bill No. 14 by striking out line 3, page 2.

Mr. Daniel moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—74

Alexander.	Baker.
Anderson.	Beck.

Bedford.	Mackay.
Bourne.	Magee.
Bradley.	McGregor.
Burns.	McKee.
Butler.	Mitcham.
Camp.	Moffett.
Chastain.	Morse.
Clayton.	Munson.
Colson.	Nicholson.
Daniel.	Palmer.
Davidson.	Patterson.
Dean.	Pavlica.
Dwyer.	Pope.
Fain.	Ramsey.
Glass.	Ratliff.
Goodman.	Ray.
Greathouse.	Reader.
Griffith.	Reed of Dallas.
Hankamer.	Renfro.
Harman.	Riddle.
Hartzog.	Roark.
Head.	Rogers
Hill.	of Ochiltree.
Holland.	Rollins.
Hughes.	Scarborough.
Hunter.	Smith.
Jackson.	Stanfield.
James.	Stinson.
Johnson	Stovall.
of Anderson.	Stubbeman.
Jones of Shelby.	Tarwater.
Kayton.	Thomas.
Kyle of Hays.	Townsend.
Kyle of Palo Pinto.	Walker.
Lange.	Wells.
Lemens.	Wood.

Nays—40

Aikin.	Huddleston.
Alsup.	Hunt.
Atchison.	Laird.
Barrett.	Lindsey.
Bergman.	Lotief.
Calvert.	Merritt.
Canon.	Metcalf.
Cathey.	Puryear.
Coombes.	Reed of Bowie.
Crossley.	Savage.
Fisher.	Scott.
Fuchs.	Shannon.
Golson.	Tennyson.
Harris.	Tillery.
Harrison.	Turlington.
Hicks.	Van Zandt.
Hodges.	Vaughan.
Holekamp.	Wagstaff.
Holloway.	Winningham.
Hoskins.	Young.

Present—Not Voting

Jones of Atascosa.

Absent

Barron.	Cowley.
Caven.	Devall.
Celaya.	Dunlap.

Dunagan.	Morrison.
Duvall.	Parkhouse.
Good.	Roberts.
Hyder.	Rogers of Hunt
Jefferson.	Shults.
Leonard.	Steward.
Long.	Venable.
Mathis.	Weinert.
McCullough.	

Absent—Excused

Adamson.	Jones of Runnels.
Engelhard.	Latham.
Ford.	McDougald.
Graves.	Moore.
Hester.	Russell.
Johnson	
of Dimmit.	

Mr. Clayton offered the following amendment to the bill:

Amend Senate Bill No. 14 by adding a new section, to read as follows:

"The sum of \$2,500, or so much as may be necessary, for each of the two years beginning September 1, 1933, and September 1, 1934, is hereby appropriated for the actual and necessary traveling and living expenses of Justices of Courts of Civil Appeals in hearing oral arguments in transferred cases under provisions of Chapter 151, of General Laws of Texas, passed at the Regular Session of the Forty-third Legislature."

CLAYTON,
HANKAMER,
LANGE.

The amendment was adopted.

Mr. Burns offered the following amendment to the bill:

Amend Senate Bill No. 14 by adding a new section to be numbered —:

"Section —. There is hereby appropriated the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, out of funds in the State Treasury not otherwise appropriated, for the purpose of making necessary improvements and repairs on the Sam Houston Home and grounds adjacent to or used in connection therewith, at Huntsville, Walker County, Texas, and for the maintenance there is appropriated an additional sum of six hundred dollars (\$600) for the maintenance thereof during the fiscal year ending August 31, A. D. 1935.

"The moneys herein appropriated shall be subject to be withdrawn and expended by and under the direction of the Board of Regents of the State Teachers College of Texas and/or their successors in office."

Mr. Alexander and Mr. Canon offered the following amendment to the amendment by Mr. Burns:

Amend amendment by changing the words and figures "\$15,000" to read "\$10,000."

ALEXANDER,
CANON.

Mr. Lotief offered the following substitute for the amendment by Mr. Alexander:

Amend Burns amendment by striking out the figures of "\$15,000," and insert in lieu thereof the figures of "\$7,500."

Mr. Harman moved the previous question on the pending amendments and the bill, and the main question was ordered.

The substitute amendment by Mr. Lotief was adopted.

The amendment as substituted was adopted.

The amendment by Mr. Burns, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

Senate Bill No. 14 was then passed to third reading by the following vote:

Yeas—64

Alexander.	Kyle of Palo Pinto.
Anderson.	Long.
Baker.	Mackay.
Bedford.	Magee.
Bradley.	Mathis.
Burns.	McKee.
Clayton.	Metcalfe.
Colson.	Morrison.
Cowley.	Morse.
Daniel.	Munson.
Dean.	Palmer.
Dunagan.	Patterson.
Dwyer.	Pavlica.
Fain.	Pope.
Fuchs.	Ramsey.
Glass.	Ratliff.
Goodman.	Ray.
Greathouse.	Reader.
Hankamer.	Reed of Dallas.
Harman.	Renfro.
Hartzog.	Riddle.
Head.	Roark.
Hill.	Rogers
Holland.	of Ochiltree.
Hughes.	Scarborough.
Jackson.	Shannon.
Johnson	Stanfield.
of Anderson.	Steward.
Jones of Shelby.	Stinson.
Kayton.	Stovall.
Kyle of Hays.	Tarwater.

Thomas.
Tillery.

Van Zandt.
Weinert.

Nays—49

Aikin.	James.
Alsup.	Lindsey.
Atchison.	Lotief.
Barrett.	Merritt.
Beck.	Mitcham.
Bourne.	Nicholson.
Calvert.	Puryear.
Canon.	Reed of Bowie.
Cathey.	Roberts.
Chastain.	Rogers of Hunt.
Coombes.	Rollins.
Crossley.	Savage.
Davidson.	Scott.
Fisher.	Smith.
Golson.	Stubbeman.
Good.	Tennyson.
Griffith.	Turlington.
Harris.	Vaughan.
Hicks.	Venable.
Hodges.	Wagstaff.
Holekamp.	Walker.
Huddleston.	Winningham.
Hunt.	Wood.
Hunter.	Young.
Hyder.	

Present—Not Voting

Jones of Atascosa.

Absent

Barron.	Jefferson.
Bergman.	Laird.
Butler.	Lange.
Camp.	Lemens.
Caven.	Leonard.
Celaya.	McCullough.
Devall.	McGregor.
Dunlap.	Moffett.
Duvall.	Parkhouse.
Harrison.	Shults.
Holloway.	Townsend.
Hoskins.	Wells.

Absent—Excused

Adamson.	Jones of Runnels.
Engelhard.	Latham.
Ford.	McDougald.
Graves.	Moore.
Hester.	Russell.
Johnson	
of Dimmit.	

MOTION TO TAKE UP SENATE BILL NO. 14

Mr. Harman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 14 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—81

Anderson.	Mackay.
Baker.	Magee.
Bedford.	Mathis.
Bradley.	McGregor.
Burns.	Metcalfe.
Butler.	Moffett.
Camp.	Morse.
Cathey.	Munson.
Clayton.	Nicholson.
Colson.	Palmer.
Cowley.	Parkhouse.
Daniel.	Patterson.
Dean.	Pavlica.
Dunlap.	Pope.
Duvall.	Ramsey.
Dwyer.	Ratliff.
Fain.	Ray.
Fuchs.	Reader.
Glass.	Reed of Dallas.
Golson.	Renfro.
Goodman.	Riddle.
Greathouse.	Roark.
Hankamer.	Rogers
Harman.	of Ochiltree.
Harrison.	Scarborough.
Hartzog.	Shannon.
Head.	Smith.
Hill.	Stanfield.
Holland.	Steward.
Hughes.	Stinson.
Hyder.	Stovall.
Jackson.	Tarwater.
Johnson	Tennyson.
of Anderson.	Thomas.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Venable.
Kyle of Palo Pinto.	Wagstaff.
Laird.	Weinert.
Leonard.	Wells.
Long.	Young.
Lotief.	

Nays—41

Aikin.	Harris.
Alsup.	Hicks.
Atchison.	Hodges.
Barrett.	Holekamp.
Beck.	Huddleston.
Bergman.	Hunt.
Bourne.	Hunter.
Calvert.	James.
Canon.	Lindsey.
Chastain.	Merritt.
Coombes.	Mitcham.
Crossley.	Morrison.
Davidson.	Puryear.
Dunagan.	Reed of Bowie.
Fisher.	Roberts.
Good.	Rogers of Hunt.
Griffith.	Rollins.

Savage.
Scott.
Stubbeman.
Turlington.

Walker.
Winningham.
Wood.

Present—Not Voting

Jones of Atascosa.

Absent

Alexander.	Lange.
Barron.	Lemens.
Caven.	McCullough.
Celaya.	McKee.
Devall.	Shults.
Holloway.	Tillery.
Hoskins.	Townsend.
Jefferson.	

Absent—Excused

Adamson.	Jones of Runnels.
Engelhard.	Latham.
Ford.	McDougald.
Graves.	Moore.
Hester.	Russell.
Johnson	
of Dimmit.	

HOUSE BILL NO. 37 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 37, A bill to be entitled "An Act levying and imposing occupation taxes in addition to those now prescribed by law on certain industries and occupations; providing for certain exemptions and defining terms used in the Act; providing for the licensing of operators of coin-operated, vending or amusement machines as defined in the Act, providing for certain exceptions and exemptions and levying an occupation tax on each machine operated under license; prescribing penalties for violation of acts prohibited hereby and for failure to do and perform acts required to be done and performed under the provisions of this Act; etc., and declaring an emergency";

The bill having heretofore been read second time, with committee amendment by Mr. Stinson, and amendment by Mr. Kyle of Hays to the committee amendment, and motion by Mr. Greathouse to table the amendment by Mr. Kyle of Hays, pending.

Question recurring on the motion to table, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—73

Anderson.	Jones of Atascosa.
Baker.	Kayton.
Beck.	Kyle of Palo Pinto.
Bergman.	Lange.
Bradley.	Mathis.
Burns.	McCullough.
Calvert.	McGregor.
Chastain.	McKee.
Clayton.	Moffett.
Colson.	Moore.
Coombes.	Morse.
Cowley.	Munson.
Daniel.	Nicholson.
Dean.	Parkhouse.
Dunlap.	Patterson.
Dunagan.	Pavlica.
Duvall.	Pope.
Dwyer.	Ratliff.
Good.	Reader.
Goodman.	Reed of Dallas.
Greathouse.	Renfro.
Griffith.	Roberts.
Hankamer.	Savage.
Harman.	Shannon.
Harris.	Steward.
Hartzog.	Stinson.
Hodges.	Stubbeman.
Holekamp.	Tennyson.
Holland.	Tillery.
Holloway.	Townsend.
Hoskins.	Van Zandt.
Huddleston.	Walker.
Hughes.	Weinert.
Hunter.	Wells.
Jackson.	Winningham.
James.	Young.
Johnson	
of Anderson.	

Nays—48

Aikin.	Magee.
Alsup.	Merritt.
Atchison.	Metcalfe.
Bedford.	Mitcham.
Bourne.	Puryear.
Camp.	Ray.
Canon.	Reed of Bowie.
Cathey.	Riddle.
Crossley.	Roark.
Davidson.	Rogers of Hunt.
Fain.	Rogers
Fisher.	of Ochiltree.
Fuchs.	Rollins.
Glass.	Scarborough.
Golson.	Scott.
Head.	Smith.
Hicks.	Stovall.
Hunt.	Tarwater.
Hyder.	Thomas.
Jones of Runnels.	Turlington.
Jones of Shelby.	Vaughan.
Kyle of Hays.	Venable.
Laird.	Wagstaff.
Lindsey.	Wood.
Mackay.	

Absent

Alexander.	Lemens.
Barrett.	Leonard.
Barron.	Long.
Butler.	Lotief.
Caven.	Morrison.
Celaya.	Palmer.
Devall.	Ramsey.
Harrison.	Shults.
Hill.	Stanfield.
Jefferson.	

Absent—Excused

Adamson.	Johnson
Engelhard.	of Dimmit.
Ford.	Latham.
Graves.	McDougald.
Hester.	Russell.

Mr. Mathis offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 37 by striking out Subdivision J (a) from line 9, down to and including the word "Texas," in line 33, on page 16, and substitute therefor the following:

"That every person, firm, company, corporation or association of persons operating, controlling or managing any hotel or hotels in this State shall make quarterly on the first day of January, April, July, and October, of each year, a report to the State Comptroller of Public Accounts on oath of the individual or of the president, vice-president, treasurer or manager of such company, corporation or association, showing the gross amount received from all business within this State during the preceding quarter in the payment of all room rent per day of twenty-four hours for the rent of rooms occupied; and said individuals, companies, corporations and associations, herein referred to, at the time of making such report shall pay, and there is hereby levied upon the same, an occupation tax of two per cent (2%) of gross receipts on the average rate of occupied rooms above \$2.50 per room per day."

The amendment was adopted.

Mr. Patterson moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Kyle of Hays offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 37 by inserting a new section to be known as Section 7, between lines 3 and 4, on page 15, and

renumbering the subsequent sections accordingly as follows:

"Section 7. (a) There shall be levied, assessed, collected, and paid a tax of two cents (2¢) for each ten cents (10¢) or fraction thereof, of the amount paid for each admission to any racing meet conducted under the provisions of Chapter 10, Acts of the First Called Session of the Forty-third Legislature, including admission by season ticket or subscription, to be paid by the person paying for such admission; provided that an equivalent tax shall be collected on all free or complimentary tickets or admissions to such racing meet and the tax shall be on the amount for which a similar seat or box is sold at the said racing meet. Each individual, firm, club, copartnership, corporation, company, or association which conducts any racing meet under the provisions of Chapter 10, Acts of the First Called Session of the Forty-third Legislature, shall make returns under oath, in duplicate, to the Comptroller of Public Accounts within forty-eight (48) hours after the close of the races conducted during any calendar day on forms to be prepared by the Comptroller of Public Accounts under provisions of this Act and any additional information said Comptroller may so require of any such meet. Said returns under oath shall show: The number of tickets sold and the number of free or complimentary tickets or admissions issued; the various prices received therefor; the various prices which would have been received for tickets issued in lieu of free or complimentary tickets or admissions; the amount of gross receipts for the total number of tickets sold therefor and the amount that would have been received for the tickets issued in lieu of free or complimentary tickets or admissions. At the same time there shall be attached to the said return legal tender or proper form of United States money order or exchange payable to the State Treasurer in the amount of two cents (2¢) for each ten cents (10¢) or fraction thereof, of the amount paid for each admission to any such racing meet and two cents (2c) for each ten cents (10c) or fraction thereof, which would have been received for each admission issued in lieu of free or complimentary tickets or admissions.

"(b) The Comptroller of Public Accounts or any of his deputies shall have full access to the records of any

individual, firm, club, copartnership, corporation, company, or association conducting races under the provisions of Chapter 10, Acts of the First Called Session of the Forty-third Legislature, and shall be permitted to supervise and inspect all sales of tickets, issuances of passes, collection of same at places of admission and all records as kept with reference thereto."

Mr. Jones of Atascosa moved to table the amendment by Mr. Kyle of Hays.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Alexander.	James.
Anderson.	Jones of Atascosa.
Baker.	Kayton.
Beck.	Kyle of Palo Pinto.
Bergman.	Lange.
Bradley.	Lemens.
Calvert.	Mackay.
Canon.	Mathis.
Chastain.	McGregor.
Clayton.	McKee.
Colson.	Moffett.
Coombes.	Moore.
Cowley.	Morse.
Daniel.	Munson.
Davidson.	Nicholson.
Dunlap.	Parkhouse.
Dunagan.	Patterson.
Duvall.	Pavlica.
Dwyer.	Pope.
Goodman.	Ratliff.
Griffith.	Reader.
Hankamer.	Reed of Dallas.
Harris.	Renfro.
Harrison.	Roberts.
Hartzog.	Rollins.
Hicks.	Savage.
Hodges.	Shannon.
Holekamp.	Steward.
Holland.	Stinson.
Holloway.	Thomas.
Hoskins.	Van Zandt.
Huddleston.	Walker.
Hughes.	Weinert.
Hunter.	Winningham.
Jackson.	Young.

Nays—45

Aikin.	Fisher.
Alsup.	Glass.
Atchison.	Golson.
Bedford.	Good.
Bourne.	Graves.
Camp.	Head.
Crossley.	Hyder.
Fain.	Jones of Shelby.

Kyle of Hays.	Rogers
Laird.	of Ochiltree.
Latham.	Scarborough.
Lindsey.	Scott.
Lotief.	Smith.
Magee.	Stanfield.
Merritt.	Stovall.
Mitcham.	Stubbeman.
Morrison.	Townsend.
Palmer.	Turlington.
Puryear.	Vaughan.
Ray.	Venable.
Reed of Bowie.	Wagstaff.
Riddle.	Wells.
Roark.	Wood.
Rogers of Hunt.	

Absent

Barrett.	Hunt.
Barron.	Jefferson.
Burns.	Johnson
Butler.	of Anderson.
Cathey.	Leonard.
Caven.	Long.
Celaya.	McCullough.
Dean.	Metcalfe.
Devall.	Ramsey.
Fuchs.	Shults.
Greathouse.	Tarwater.
Harman.	Tennyson.
Hill.	Tillery.

Absent—Excused

Adamson.	Johnson
Engelhard.	of Dimmit.
Ford.	Jones of Runnels.
Hester.	McDougald.
	Russell.

Mr. Hankamer offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 37 by striking out all of Subsection (c) of Section 10, page 20, lines 9 and 10, and inserting in lieu thereof the following:

"The provisions of this Act shall be cumulative of all existing laws on the subjects mentioned in this Act during the effective dates of this Act, and shall in nowise be construed as suspending or repealing any existing laws."

HANKAMER,
CLAYTON.

The amendment was adopted.

Question—Shall House Bill No. 37 pass to engrossment?

SENATE BILLS ON FIRST
READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 19, to the Committee on Municipal and Private Corporations.

Senate Bill No. 21, to the Committee on School Districts.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, November 9, 1934.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 12, A bill to be entitled "An Act making appropriation for the manufacturing of typhus vaccines and serums by the State Health Department and paying for such extra labor as may be necessary, and declaring an emergency."

H. C. R. No. 4, Relating to wage scale and hour policy of certain employees.

Respectfully,
BOB BARKER,
Secretary of the Senate.

RECESS

Mr. Fain moved that the House recess to 2 o'clock p. m., today.

Mr. Reed of Bowie moved that the House adjourn until 2 o'clock p. m., Friday, November 9.

Question first recurring on the motion by Mr. Reed of Bowie, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—46

Aikin.	Hyder.
Alexander.	Jackson.
Alsop.	Jones of Runnels.
Anderson.	Lotief.
Bergman.	Mathis.
Bourne.	McGregor.
Butler.	Merritt.
Cowley.	Metcalfe.
Crossley.	Moffett.
Dunagan.	Morse.
Dwyer.	Patterson.
Fisher.	Puryear.
Glass.	Reed of Bowie.
Graves.	Renfro.
Harris.	Roark.
Harrison.	Rogers
Holekamp.	of Ochiltree.
Holland.	Scott.
Huddleston.	Shannon.
Hunt.	Stanfield.
Hunter.	Steward.

Tarwater.
Tillery.
Wagstaff.

Walker.
Winningham.

Nays—80

Atchison.	Latham.
Baker.	Lemens.
Barron.	Leonard.
Bedford.	Lindsey.
Bradley.	Mackay.
Burns.	Magee.
Calvert.	McCullough.
Camp.	McKee.
Canon.	Moore.
Celaya.	Morrison.
Chastain.	Munson.
Colson.	Nicholson.
Coombes.	Palmer.
Daniel.	Parkhouse.
Davidson.	Pavlica.
Dean.	Ratliff.
Dunlap.	Ray.
Duvall.	Reader.
Fain.	Reed of Dallas.
Fuchs.	Riddle.
Golson.	Roberts.
Good.	Rogers of Hunt.
Goodman.	Rollins.
Graves.	Savage.
Greathouse.	Scarborough.
Griffith.	Smith.
Hartzog.	Stinson.
Head.	Stovall.
Hodges.	Stubbeman.
Holloway.	Tennyson.
Hoskins.	Thomas.
Hughes.	Townsend.
James.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Shelby.	Vaughan.
Kayton.	Venable.
Kyle of Hays.	Weinert.
Kyle of Palo Pinto.	Wells.
Laird.	Wood.
Lange.	Young.

Absent

Barrett.	Hill.
Beck.	Jefferson.
Cathey.	Johnson
Caven.	of Anderson.
Clayton.	Long.
Devall.	Mitcham.
Hankamer.	Pope.
Harman.	Ramsey.
Hicks.	Shults.

Absent—Excused

Adamson.	Johnson
Engelhard.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

Question next recurring on the motion by Mr. Fain, it prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Mt. Pleasant, Texas, Nov. 9, 1934.

Hon. Coke Stevenson and Members of the House of Representatives, Austin, Texas:

On behalf of the family, I wish to express our sincere thanks for your message of sympathy.

TRAYLOR RUSSELL.

HOUSE BILL NO. 37 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 37, relative to the levying of certain occupation taxes;

The bill having heretofore been read second time, with committee amendment offered by Mr. Stinson, pending.

Mr. Duvall moved the previous question on the pending amendments on the Speaker's desk, the committee amendment and the bill.

Question—Shall the motion by Mr. Duvall prevail?

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on Senate Bill No. 2 by the following vote: Yeas, 27, nays, 1.

The Senate has passed

S. B. No. 5, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city, common school district, independent school district, road district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined subdivisions of the State, provided same are paid on or before Febru-

ary 1, 1935, and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, November 9, 1934.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 4, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this Act." (With amendments.)

H. B. No. 55, A bill to be entitled "An Act empowering counties through their commissioners courts to provide for annual exhibits of horticultural and agricultural products, live stock and minerals and other products of interest to such counties and in connection therewith to establish and maintain museums, including the erection of the necessary buildings and other improvements; etc., and declaring an emergency." (With amendment.)

H. B. No. 77, A bill to be entitled "An Act authorizing county commissioners courts to purchase materials for the purpose of aiding and co-operating with the agencies of the State and Federal Government in the construction of buildings for the purpose of housing canneries and canning factories where appropriations have been or may hereafter be made out of the Federal and State funds set aside for the relief of the unemployed and needy people in the State of Texas; etc., and declaring an emergency." (With amendment.)

H. B. No. 52, A bill to be entitled "An Act providing that the governing body of any city or town in this State, in making up the annual appropriation for the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system, service or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, service or enterprise, shall then provide for payment of

principal and interest of any indebtedness outstanding against such system, service or enterprise, and may then make such appropriations as remaining income and revenue of such system, service or enterprise, may justify, to be appropriated among respective departments of the municipal government, or otherwise appropriated for public uses, as such governing body may deem best; etc., and declaring an emergency." (With amendments.)

Respectfully,
BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 2

Mr. Engelhard submitted the following conference committee report on Senate Bill No. 2:

Committee Room,
Austin, Texas, November 8, 1934.
Hon. Edgar E. Witt, President of the
Senate and Hon. Coke R. Stevenson, Speaker of the House of
Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on Senate Bill No. 2, beg leave to submit the following report:

We have had Senate Bill No. 2 under consideration, and recommend the adoption of the attached bill:
"S. B. No. 2,

A BILL

To Be Entitled

An Act creating a conservation and reclamation district to be known as Lower Colorado River Authority, pursuant to and for the purposes set forth in Section 59, of Article XVI, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate, without power to mortgage or encumber any of its property or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State; fixing the boundaries thereof; conferring thereon all powers, rights, privileges, and functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited; conferring certain other powers thereon, including the power to control, store, preserve, use, dis-

tribute and sell the waters of the Colorado River and its tributaries, to develop, generate, distribute, and sell water power and electric energy, to acquire property by condemnation or otherwise, to construct, maintain, use and operate facilities, to make contracts, to borrow money, to create and issue its negotiable bonds for cash, property, or refunding purposes on stated terms and conditions, and in connection therewith to pledge all or any part of its revenues; vesting the powers of the district in a board of directors and prescribing the manner of their appointment and their duties; providing for the appointment of officers, agents, and employees; providing for the fiscal management of the district; preserving existing water rights, to the extent provided; prescribing all necessary details; making an appropriation of five thousand dollars (\$5,000) in the district; providing that if any provision of this Act shall be held to be invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created within the State of Texas, in addition to the districts into which the State has heretofore been divided, a conservation and reclamation district to be known as "Lower Colorado River Authority" (hereinafter called the District), and consisting of that part of the State of Texas which is included within the boundaries of the counties of Blanco, Burnet, Llano, Travis, Bastrop, Fayette, Colorado, Wharton, San Saba, and Matagorda. Such District shall be, and is hereby, declared to be a governmental agency and body politic and corporate, with the powers of government and with the authority to exercise the rights, privileges and functions hereinafter specified, and the creation of such District is hereby determined to be essential to the accomplishment of the purposes of Section 59, of Article XVI, of the Constitution of the State of Texas, including (to the extent hereinafter authorized) the control, storing, preservation, and distribution of the waters of the Colorado River and its tributaries for irrigation, power, and other useful purposes, the reclamation and irrigation of arid, semi-arid, and other lands needing irrigation,

and the conservation and development of the forests, water and hydroelectric power of the State of Texas. Nothing in this Act or in any other Act or law contained, however, shall be construed as authorizing the District to levy or collect taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or in any way to pledge the credit of the State.

Sec. 2. Except as expressly limited by this Act, the District shall have and is hereby authorized to exercise all powers, rights, privileges, and functions conferred by general law upon any district or districts created pursuant to Section 59, of Article XVI, of the Constitution of the State of Texas. Without limitation of the generality of the foregoing, the District shall have and is hereby authorized to exercise the following powers, rights, privileges and functions:

(a) To control, store and preserve, within the boundaries of the District, the waters of the Colorado River and its tributaries for any useful purpose, and to use, distribute and sell the same, within the boundaries of the District, for any such purpose;

(b) To develop and generate water power and electric energy within the boundaries of the District and to distribute and sell water power and electric energy, within or without the boundaries of the District;

(c) To prevent or aid in the prevention of damage to person or property from the waters of the Colorado River and its tributaries;

(d) To forest and reforest and to aid in the foresting and reforesting of the watershed area of the Colorado River and its tributaries and to prevent and to aid in the prevention of soil erosion and floods within said watershed area;

(e) To acquire by purchase, lease, gift, or in any other manner (otherwise than by condemnation), and to maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest therein, within or without the boundaries of the District, necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act;

(f) To acquire by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within or without the boundaries of the District (other than such property or any interest therein

without the boundaries of the District as may at the time be owned by the body politic) necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act, in the manner provided by general law with respect to condemnation or, at the option of the District, in the manner provided by the statutes relative to condemnation by districts organized under general law pursuant to Section 59, of Article XVI, of the Constitution of the State of Texas;

(g) Subject to the provisions of this Act from time to time sell or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;

(h) To overflow and inundate any public lands and public property and to require the relocation of roads and highways in the manner and to the extent permitted to districts organized under general law pursuant to Section 59, of Article XVI, of the Constitution of the State of Texas;

(i) To construct, extend, improve, maintain, and reconstruct, to cause to be constructed, extended, improved, maintained, and reconstructed, and to use and operate, any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges, and functions;

(j) To sue and be sued in its corporate name;

(k) To adopt, use, and alter a corporate seal;

(l) To make by-laws for the management and regulation of its affairs;

(m) To appoint officers, agents and employes, to prescribe their duties and to fix their compensation;

(n) To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act;

(o) To borrow money for its corporate purposes and, without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and, in connection with any such loan or grant, to enter into such agreements as the United States of America or such corporation or agency may require; and to make and issue its negotiable bonds for moneys bor-

rowed, in the manner and to the extent provided in Section 10. Nothing in this Act shall authorize the issuance of any bonds, notes or other evidences of indebtedness of the District, except as specifically provided in this Act, and no issuance of bonds, notes or other evidences of indebtedness of the District, except as specifically provided in this Act, shall ever be authorized except by an Act of the Legislature;

(p) To do any and all other acts or things necessary or convenient to the exercise of the powers, rights, privileges or functions conferred upon it by this Act or any other Act or law;

Provided, however, that said District shall not be permitted to use for irrigation purposes any water under any law or permits heretofore issued or now held, owned or enjoyed by said District or which may be hereafter acquired from the Colorado River Corporation or any other company or person whomsoever unless expressly authorized by subsequent permits granted to the District by the Board of Water Engineers under authority of law; and said Board of Water Engineers in considering subsequent applications by said District shall at all times consider the needs of the people living within and on the land lying within the watershed of the Colorado River and its tributaries above the District; provided, however, that nothing herein shall prevent the District from selling, for irrigation purposes within the boundaries of the District, any water impounded by it under authority of law.

Provided further, that in creating and conferring the benefits of this Act on said District, it is declared as an essential part thereof that irrespective of any existing right or rights or permit or permits issued by the Board of Water Engineers of the State of Texas to use the waters of the Colorado River and its tributaries for the generation of hydro-electric power, and which rights or permits may be acquired by the District, the impounding and use of the flood waters of the Colorado River and/or its tributaries for the generation of hydro-electric power by the District and/or anyone who may succeed to the rights and privileges conferred upon it by this Act, shall be subject to the rights of any other person, municipal corporation or body politic heretofore impounding or now

putting to beneficial use any such waters for the purposes set forth in Subdivisions (1), (2), and (3), of Article 7471 of the Revised Civil Statutes of the State of Texas, as amended by Chapter 128, of the Acts of the Forty-second Legislature of the State of Texas, when such other person, municipal corporation or body politic has heretofore received a permit for such use or uses from the Board of Water Engineers of the State of Texas, or who by law has heretofore been permitted to impound water for the aforesaid purposes, and nothing in this Act shall ever be construed as to require any such municipal corporation or body politic to surrender any such rights to which it may now be entitled to the District and shall not be construed so as to subject to condemnation by said District or any successor or by anyone who may succeed to the rights and privileges conferred upon it by this Act any waters heretofore impounded or to be impounded within or without the District under any law authorizing water to be impounded or under any permits heretofore granted or hereafter granted to a municipal corporation or body politic or any waters heretofore impounded or permitted to be impounded or used without the District under permits heretofore or hereafter granted to any person.

Nothing in this Act shall be construed as depriving any person or municipality of the right to impound the waters of the Colorado River and/or its tributaries for domestic and/or municipal purposes, nor of repealing any law granting such rights to persons and municipalities.

Sec. 2-a. It is now declared to be the public policy of this State that any and all rights of the District hereby created to impound and/or use and/or sell the waters of the Colorado River and its tributaries for the generation of hydro-electric power, shall be subordinate and inferior to the rights of cities and towns situated within the watershed of the Colorado River and its tributaries to build dams and impound flood waters for municipal purposes; and likewise the rights of the said District hereby created, to impound and/or use and/or sell said waters for the generation of hydro-electric power, shall be subordinate and inferior to the rights of any citizens of Texas, or bodies politic, to build

dams and impound the flood waters within the watershed of the Colorado River and its tributaries for domestic purposes and for the purposes of irrigation, and the title to any and all rights, properties, licenses, franchises and or permits acquired, or to be acquired, by the Lower Colorado River Authority, shall be and become subject to the limitations imposed by this section.

Sec. 3. The powers, rights, privileges, and functions of the District shall be exercised by a board of nine directors (herein called the board), all of whom shall be residents of and freehold property taxpayers in the State of Texas; provided that not more than two of such directors shall be residents of the same county. Three of the directors shall be appointed by the Governor, three by the Attorney General, and three by the Commissioner of the General Land Office of the State of Texas. Provided that no person shall be eligible for such appointment if he has, during the preceding three years before his appointment been employed by an electric power and light company, gas company, telephone company, or any other utility company of any kind or character whatsoever. Of the three directors first appointed by each authority, one shall be appointed for a term expiring January 1, 1937, one for a term expiring January 1, 1939, and one for a term expiring January 1, 1941. At the expiration of the term of any director, another director shall be appointed by the same authority which appointed the director whose term has expired. Each director shall hold office until the expiration of the term for which he was appointed and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided. Any director may be removed by the authority which appointed him for inefficiency, neglect of duty, or misconduct in office, after at least ten days' written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation, or removal of any director shall be filled by the authority which appointed him, for the unexpired term of such director. Each director shall qualify by taking the official oath of office prescribed by general statute.

Each director shall receive a fee of ten dollars (\$10) per day for each day

spent in attending meetings of the Board.

Until the adoption of by-laws fixing the time and place of regular meetings and the manner in which special meetings may be called, meetings of the Board shall be held at such times and places as five of the directors may designate in writing. Five directors shall constitute a quorum at any meeting and, except as otherwise provided in this Act or in the by-laws, all action may be taken by the affirmative vote of a majority of the directors present at any such meeting, except that no contracts which involve an amount greater than ten thousand dollars (\$10,000) or which is to run for a longer period than a year, and no bonds, notes, or other evidence of indebtedness and no amendment of the by-laws shall be valid unless authorized or ratified by the affirmative vote of at least five directors.

Sec. 4. The Board shall select a secretary who shall keep true and complete records of all proceedings of the Board. Until the appointment of a secretary, or in the event of his absence or inability to act, a secretary pro tem. shall be selected by the Board. The Board shall also select a general manager, who shall be the chief executive officer of the District, and a treasurer, who may also hold the office of secretary. All such officers shall have such powers and duties, shall hold office for such term and be subject to removal in such manner as may be provided in the by-laws. The Board shall fix the compensation of such officers. The Board may appoint such officers, agents, and employes, fix their compensation and term of office and the method by which they may be removed, and delegate to them such of its power and duties as it may deem proper.

Sec. 5. The moneys of the District shall be disbursed only on checks, drafts, orders, or other instruments signed by such persons as shall be authorized to sign the same by the by-laws or resolution concurred in by not less than five directors. The general manager, the treasurer, and all other officers, agents, and employes of the District who shall be charged with the collection, custody or payment of any funds of the District shall give bond conditioned on the faithful performance of their duties and an accounting for all funds and property of the District coming

into their respective hands, each of which bonds shall be in form and amount and with a surety (which shall be a surety company authorized to do business in the State of Texas), approved by the Board, and the premiums on such bonds shall be paid by the District and charged as an operating expense.

Sec. 6. The domicile of the District shall be in the City of Austin, County of Travis, where the District shall maintain its principal office, in charge of its general manager. The District shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping. Said accounts and all contracts, documents, and records of the District shall be kept at said principal office. Said accounts and contracts shall be open to public inspection at all reasonable times. The Board shall cause to be made and completed within ninety days after the end of each calendar year, an audit of the books of account and financial records of the District for such calendar year, such audit to be made by an independent certified public accountant or firm of certified public accountants. Copies of a written report of such audit, certified to by said accountant or accountants, shall be placed and kept on file with the Board of Water Engineers, with the Treasurer of the State of Texas and at said principal office, and shall be open to public inspection at all reasonable times.

Sec. 7. No director, officer, agent, or employe of the District shall be directly or indirectly interested in any contract for the purchase of any property or construction of any work by or for the District, and if any such person shall be or become so interested in any such contract, he shall be guilty of a felony and on conviction thereof shall be subject to a fine in an amount not exceeding ten thousand dollars (\$10,000) or to confinement in the county jail for not less than one year nor more than ten years, or both.

Sec. 8. The Board shall establish and collect rates and other charges for the sale or use of water, water connections, power, electric energy or other services sold, furnished, or supplied by the District which fees and charges shall be reasonable and non-discriminatory and sufficient to produce revenues adequate:

(a) To pay all expenses necessary to the operation and maintenance of

the properties and facilities of the District;

(b) To pay the interest on and principal of all bonds issued under this Act when and as the same shall become due and payable;

(c) To pay all sinking fund and/or reserve fund payments agreed to be made in respect of any such bonds, and payable out of such revenues, when and as the same shall become due and payable; and

(d) To fulfill the terms of any agreements made with the holders of such bonds and/or with any person in their behalf.

Out of the revenues which may be received in excess of those required for the purposes specified in subparagraphs (a), (b), (c), and (d) above, the Board may in its discretion establish a reasonable depreciation and emergency fund, or retire (by purchase and cancellation or redemption) bonds issued under this Act, or apply the same to any corporate purpose.

It is the intention of this Act that the rates and charges of the District shall not be in excess of what may be necessary to fulfill the obligations imposed upon it by this Act.

Nothing herein shall be construed as depriving the State of Texas of its power to regulate and control fees and/or charges to be collected for the use of water, water connections, power, electric energy, or other service, provided that the State of Texas does hereby pledge to and agree with the purchasers and successive holders of the bonds issued hereunder that the State will not limit or alter the power hereby vested in the District to establish and collect such fees and charges as will produce revenues sufficient to pay the items specified in subparagraphs (a), (b), (c), and (d), of this Section 8, or in any way to impair the rights or remedies of the holders of the bonds, or of any person in their behalf, until the bonds, together with the interest thereon, with interest on unpaid installments of interest and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders and all other obligations of the District in connection with such bonds are fully met and discharged.

Sec. 9. Any and every indebtedness, liability, or obligation of the District, for the payment of money, however entered into or incurred, and

whether arising from contract, implied contract, or otherwise, shall be payable solely (1) out of the revenues received by the District in respect of its properties, subject to any prior lien thereon conferred by any resolution or resolutions theretofore adopted as in this Act provided, authorizing the issuance of bonds or (2), if the Board shall so determine, out of the proceeds of sale by the District of bonds payable solely from such revenues.

Sec. 10. The District shall have power and is hereby authorized to issue, from time to time, bonds as herein authorized, for any corporate purpose, not to exceed ten million dollars (\$10,000,000) in aggregate principal amount. Any additional amount of bonds must be authorized by an Act of the Legislature. Such bonds may either be (1) sold for cash, at public or private sale, at such price or prices as the Board shall determine, provided that the interest cost of the money received therefor, computed to maturity in accordance with standard bond tables in general use by banks and insurance companies, shall not exceed six per centum per annum, or (2) may be issued on such terms as the Board shall determine in exchange for property of any kind, real, personal or mixed, or any interest therein which the Board shall deem necessary or convenient for any such corporate purpose, or (3) may be issued in exchange for like principal amounts of other obligations of the District, matured or unmatured. The proceeds of sale of such bonds shall be deposited in such bank or banks or trust company or trust companies, and shall be paid out pursuant to such terms and conditions, as may be agreed upon between the District and the purchasers of such bonds. No part of the four million five hundred thousand dollars (\$4,500,000) which has been allotted by the Federal Emergency Administration of Public Works to the Colorado River Project which may be received by the District shall be applied to the purchase of any of the properties heretofore owned by Central Texas Hydro-Electric Company, except such amount as shall equal the sum actually expended by the sellers of such properties in discharging statutory contractors' and materialmen's liens on such of said properties as shall be purchased by the District. No contract for the purchase and no

purchase by the District of any of the properties heretofore owned by Central Texas Hydro-Electric Company shall be valid unless the terms thereof shall be satisfactory to the Federal Emergency Administrator of Public Works. All such bonds shall be authorized by resolution or resolutions of the Board concurred in by at least five of the members thereof, and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates (not exceeding six per centum (6%) per annum), payable annually or semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges as to principal only or as to both principal and interest, and as to exchange of coupon bonds for registered bonds or vice versa, and exchange of bonds of one denomination for bonds of other denominations, be executed in such manner and be payable at such place or places within or without the State of Texas, as such resolution or resolutions may provide. Any resolution or resolutions authorizing any bonds may contain provisions, which shall be part of the contract between the District and the holders thereof from time to time, (a) reserving the right to redeem such bonds at such time or times, in such amounts and at such prices, not exceeding one hundred and five per centum of the principal amount thereof, plus accrued interest, as may be provided, (b) providing for the setting aside of sinking funds or reserve funds and the regulation and disposition thereof, (c) pledging to secure the payment of the principal of and interest on such bonds and of the sinking fund or reserve fund payments agreed to be made in respect of such bonds all or any part of the gross or net revenues thereafter received by the District in respect of the property, real, personal or mixed, to be acquired and/or constructed with such bonds or the proceeds thereof, or all or any part of the gross or net revenues thereafter received by the District from whatever source derived, (d) prescribing the purposes to which such bonds or any bonds thereafter to be issued, or the proceeds thereof, may be applied, (e) agreeing to fix and collect rates and charges sufficient to produce revenues adequate to pay the items specified in Subdivisions (a), (b), (c), and (d), of Section 8 hereof, and pre-

scribing the use and disposition of all revenues, (f) prescribing limitations upon the issuance of additional bonds and upon the agreements which may be made with the purchasers and successive holders thereof, (g) with regard to the construction, extension, improvement, reconstruction, operation, maintenance and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use and occupancy resulting from specified risks, (h) fixing the procedure, if any, by which, if the District shall so desire, the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given, (i) for the execution and delivery by the District to a bank or trust company authorized by law to accept trusts, or to the United States of America or any officer or agency thereof, of indentures and agreements for the benefit of the holders of such bonds setting forth any or all of the agreements herein authorized to be made with or from the benefit of the holders of such bonds and such other provisions as may be customary in such indentures or agreements; and (j) such other provisions, not inconsistent with the provisions of the Act, as the Board may approve.

Any such resolution and any indenture or agreement entered into pursuant thereto may provide that in the event that,

(a) Default shall be made in the payment of the interest on any or all bonds when and as the same shall become due and payable, or

(b) Default shall be made in the payment of the principal of any or all bonds when and as the same shall become due and payable, whether at the maturity thereof, by call for redemption or otherwise, or

(c) Default shall be made in the performance of any agreement made with the purchasers or successive holders of any bonds,

And such default shall have continued such period, if any, as may be prescribed by said resolution in respect thereof, the trustee under the indenture or indentures entered into in respect of the bonds authorized thereby, or, if there shall be no such indenture, a trustee appointed in the manner provided in such resolution

or resolutions by the holders of twenty-five per centum in aggregate principal amount of the bonds authorized thereby and at the time outstanding may, and upon the written request of the holders of twenty-five per centum in aggregate principal amount of the bonds authorized by such resolution or resolutions at the time outstanding, shall, in his or its own name, but for the equal and proportionate benefit of the holders of all of such bonds; and with or without having possession thereof;

(1) By mandamus or other suit, action or proceeding at law or in equity, enforce all rights of the holders of such bonds,

(2) Bring suit upon such bonds and/or the appurtenant coupons,

(3) By action or suit in equity, require the district to account as if it were the trustee of an express trust for the bondholders,

(4) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds, and/or,

(5) After such notice to the District as such resolution may provide, declare the principal of all of such bonds due and payable, and if all defaults shall have been made good, then with the written consent of the holders of twenty-five per centum in aggregate principal amount of such bonds at the time outstanding, annul such declaration and its consequences; provided, however, that the holders of more than a majority in principal amount of the bonds authorized thereby and at the time outstanding shall by instrument or instruments in writing delivered to such trustee have the right to direct and control any and all action taken or to be taken by such trustee under this paragraph. Any such resolution, indenture or agreement may provide that in any such suit, action, or proceeding, any such trustee, whether or not all of such bonds shall have been declared due and payable, and with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District and operate and maintain the same, and fix, collect, and receive rates and charges sufficient to provide revenues adequate to pay the items set forth in subparagraphs (a), (b), (c), and (d), of Section 8 hereof, and the costs and

disbursements of such suit, action, or proceeding, and to apply such revenues in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action, or proceeding by any such trustee, the reasonable fees, counsel fees and expenses of such trustee and of the receiver or receivers, if any, shall constitute taxable disbursements, and all costs and disbursements allowed by the court shall be a first charge upon any revenues pledged to secure the payment of such bonds. Subject to the provisions of the Constitution of the State of Texas, the courts of the County of Travis shall have jurisdiction of any such suit, action, or proceeding by any such trustee on behalf of the bondholders and of all property involved therein. In addition to the powers hereinabove specifically provided for, each such trustee shall have and possess all powers necessary or appropriate for the exercise of any thereof, or incident to the general representation of the bondholders in the enforcement of their rights.

Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the form of such bonds, together with any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law, and if he shall approve such bonds, he shall execute a certificate to that effect which shall be filed in the office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. No bonds shall be issued until the same shall have been registered by the Comptroller, who shall so register the same if the Attorney General shall have filed with the Comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinabove provided.

All bonds approved by the Attorney General as aforesaid, and registered by the Comptroller as aforesaid, and issued in accordance with the proceedings so approved shall be valid and binding obligations of the District and shall be incontestable for any cause from and after the time of such registration.

Sec. 11. All bonds issued by the District pursuant to the provisions of

this Act shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law.

Sec. 12. The District may, but without intending by this provision to limit any powers of the District as granted to it by this Act, enter into and carry out such contracts, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or projects as the District may deem desirable or as may be requested by the United States of America, or any corporation or agency created, designated or established thereby, which may assist in the financing of any such project or projects.

Sec. 13. The District shall have power out of any funds available therefor to purchase any bonds issued by it at a price not exceeding the redemption price applicable at the time of such purchase, or if such bonds shall not be redeemable, at a price not exceeding the principal amount thereof plus accrued interest. All bonds so purchased shall be cancelled and no bonds shall ever be issued in lieu thereof.

Sec. 14. Nothing in this Act shall be construed as authorizing the District and it shall not be authorized to mortgage or otherwise encumber any of its property of any kind, real, personal, or mixed, or any interest therein, or to acquire any such property or interest subject to a mortgage or conditional sale, provided that this section shall not be construed as preventing the pledging of the revenues of the District as herein authorized. Nothing in this Act shall be construed as authorizing the sale, lease, or other disposition of any such property or interest of the District by the District; or any receiver of any of its properties or through any court proceeding or otherwise, provided, however, that the District may sell for cash any such property or interest in an aggregate value not exceeding the sum of fifty thousand dollars (\$50,000) in any one year if the Board, by the affirmative vote of six of the members thereof shall have determined that the same is not necessary or convenient to the business of the District and shall have approved the terms of any such sale, it being the intention of this Act that except by sale as in this section expressly authorized, no such property or interest shall ever come into the ownership

or control, directly or indirectly, of any person, firm, or corporation other than a public authority created under the laws of the State of Texas. All property of the District shall be at all times exempted from forced sale, and nothing in this Act contained shall authorize the sale of any of the property of the District under any judgment rendered in any suit, and such sales are hereby prohibited and forbidden.

Sec. 15. The District shall not prevent free public use of its lands for recreation purposes and for hunting and fishing except at such points where, in the opinion of the directors, such use would interfere with the proper conduct of the business.

All public rights of way now traversing the areas to be flooded by the impounded waters shall remain open as a way of free public passage to and from the lakes created, and no charge shall ever be made to the public for right to engage in hunting, fishing, boating, or swimming thereon.

The District shall, within one year, acquire by purchase or otherwise, two (2) strips of land, each to be at least one-fourth ($\frac{1}{4}$) mile in length along the shore line, sufficiently wide and so located that a shore road may be built thereon, which shall be connected with a public highway. Said strips shall be on different sides of said Buchanan Dam, one near the dam and the other near the headwaters. After acquiring said strips the Colorado River Authority shall assign the same to the State of Texas for park purposes, and the same shall be under the supervision and control of the State Parks Board, who shall keep said strips of land open to the public, without charge, so that the public in general may have access to the reservoir.

Upon it being called to the attention of the Attorney General of Texas by any citizen of Texas, that this section has not been complied with, it shall be the duty of the Attorney General of Texas to institute the proper legal proceedings to require said District, or their successors, to comply with the provisions of this section.

Provided, that if any of the land owned by the District bordering the lakes to be created under the authority of this Act are sold by the District, the District shall retain in each tract a strip twenty (20) feet

wide abutting the high water line of the lake for the purpose of passage and use by the public for public sports and amusements, provided, further, however, that this provision shall not apply to any sales of land by the District to any State or Federal agency to be used for game or fish sanctuaries, preserves, or for propagation purposes.

Sec. 16. All bonds and the interest thereon issued pursuant to the provisions of this Act shall be exempt from taxation (except inheritance taxes) by the State of Texas or by any municipal corporation, county or other political subdivision or taxing district of the State.

Sec. 17. This Act without reference to other statutes of the State of Texas shall constitute full authority for the authorization and issuance of bonds hereunder, and no other Act or law with regard to the authorization or issuance of obligations or the deposit of the proceeds thereof, or in any way impeding or restricting the carrying out of the acts herein authorized to be done shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

Sec. 18. This Act and all of the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

Sec. 19. There is hereby appropriated for the use of the District, out of any funds in the State Treasury not heretofore otherwise appropriated the sum of five thousand dollars (\$5,000), which may be withdrawn from time to time on warrant signed by the general manager and treasurer of the District, amounts withdrawn to be repaid into the State Treasury out of the first revenues of the District from whatever source derived.

Sec. 20. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 21. This Act may be cited as the Lower Colorado River Authority Act.

Sec. 22. The importance of this legislation to the section of the State affected thereby and the fact that the District must act promptly if it is to avail itself of the opportunity of borrowing or receiving a grant from the Federal Emergency Administra-

tion of Public Works, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

HORNSBY,
WOODWARD,
HOPKINS,

On the Part of the Senate;

ENGELHARD,
JONES of Runnels,
GRAVES,

On the Part of the House.

Mr. Camp moved that further consideration of the report be postponed until 10 o'clock a. m., tomorrow.

Mr. Moore moved to table the motion of Mr. Camp.

Question recurring on the motion to table, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—99

Alexander.	Holekamp.
Alsup.	Holland.
Anderson.	Holloway.
Baker.	Hoskins.
Barrett.	Huddleston.
Barron.	Hughes.
Beck.	Hunt.
Bedford.	Hunter.
Bergman.	Hyder.
Bourne.	Jackson.
Bradley.	Johnson
Burns.	of Anderson.
Calvert.	Jones of Atascosa.
Canon.	Jones of Runnels.
Cathey.	Jones of Shelby.
Celaya.	Lange.
Clayton.	Latham.
Colson.	Leonard.
Cowley.	Lotief.
Crossley.	Mackay.
Davidson.	Mathis.
Dean.	McCullough.
Dunagan.	McGregor.
Dwyer.	McKee.
Engelhard.	Merritt.
Fain.	Metcalfe.
Fisher.	Mitcham.
Fuchs.	Moffett.
Glass.	Moore.
Goodman.	Munson.
Graves.	Patterson.
Greathouse.	Pavlica.
Griffith.	Pope.
Harris.	Puryear.
Hartzog.	Ramsey.
Hicks.	Ratliff.
Hodges.	Ray.

Reader.	Tarwater.
Reed of Bowie.	Tennyson.
Reed of Dallas.	Thomas.
Renfro.	Turlington.
Riddle.	Van Zandt.
Roark.	Venable.
Rogers	Wagstaff.
of Ochiltree.	Walker.
Rollins.	Weinert.
Shannon.	Wells.
Smith.	Winningham.
Stanfield.	Wood.
Steward.	Young.
Stubbeman.	

Nays—21

Aikin.	Magee.
Atchison.	Morrison.
Camp.	Roberts.
Chastain.	Rogers of Hunt.
Coombes.	Savage.
Daniel.	Scarborough.
Duvall.	Stinson.
Golson.	Stovall.
Hankamer.	Townsend.
Kayton.	Vaughan.
Lindsey.	

Absent

Butler.	Kyle of Palo Pinto.
Caven.	Laird.
Devall.	Lemens.
Dunlap.	Long.
Good.	Morse.
Harman.	Nicholson.
Harrison.	Palmer.
Head.	Parkhouse.
Hill.	Scott.
James.	Shults.
Jefferson.	Tillery.
Kyle of Hysa.	

Absent—Excused

Adamson.	Johnson
Ford.	of Dimmit.
Hester.	McDougald.
	Russell.

Mr. Engelhard moved that the report be adopted.

Mr. Moore made the following substitute for the motion by Mr. Engelhard:

As a substitute, I move that the report of the conference committee be rejected and that the Speaker appoint a new conference committee, and that such committee be instructed to incorporate in such bill the amendment adopted by the House and known as Section 19-a.

(Pending the consideration of the report Mr. Holland occupied the Chair temporarily.)

(Speaker in the Chair.)

Question recurring on the substitute motion by Mr. Moore, yeas and nays were demanded.

The substitute motion was lost by the following vote:

Yeas—55

Aikin.	Latham.
Alexander.	Lemens.
Barron.	Lindsey.
Bedford.	Long.
Bourne.	McCullough.
Bradley.	Merritt.
Camp.	Metcalfe.
Cathey.	Moffett.
Clayton.	Moore.
Coombes.	Patterson.
Crossley.	Ratliff.
Daniel.	Reed of Bowie.
Dean.	Roark.
Dunagan.	Roberts.
Duvall.	Rogers of Hunt.
Glass.	Rogers
Good.	of Ochiltree.
Hankamer.	Rollins.
Harris.	Scott.
Hartzog.	Stovall.
Hicks.	Stubbeman.
Hughes.	Tillery.
Hunt.	Vaughan.
Hunter.	Venable.
Jones of Shelby.	Wagstaff.
Kayton.	Walker.
Laird.	Wells.
Lange.	Winningham.

Nays—81

Alsup.	Hill.
Anderson.	Hodges.
Atchison.	Holekamp.
Baker.	Holland.
Barrett.	Hoskins.
Beck.	Huddleston.
Bergman.	Hyder.
Burns.	Jackson.
Butler.	James.
Calvert.	Johnson
Canon.	of Anderson.
Celaya.	Jones of Atascosa.
Chastain.	Jones of Runnels.
Colson.	Kyle of Hays.
Cowley.	Kyle of Palo Pinto.
Davidson.	Leonard.
Dunlap.	Mackay.
Dwyer.	Magee.
Engelhard.	Mathis.
Fain.	McGregor.
Fisher.	McKee.
Fuchs.	Mitcham.
Golson.	Morrison.
Goodman.	Morse.
Graves.	Munson.
Greathouse.	Nicholson.
Griffith.	Palmer.
Harman.	Parkhouse.
Head.	Pavlica.

Pope.	Stanfield.
Puryear.	Steward.
Ramsey.	Stinson.
Ray.	Tarwater.
Reader.	Tennyson.
Reed of Dallas.	Thomas.
Renfro.	Townsend.
Riddle.	Turlington.
Savage.	Van Zandt.
Scarborough.	Weinert.
Shannon.	Wood.
Smith.	Young.

Absent

Caven.	Jefferson.
Devall.	Lotief.
Harrison.	Shults.
Holloway.	

Absent—Excused

Adamson.	Johnson
Ford.	of Dimmit.
Hester.	McDougald.
	Russell.

PAIRED

Mr. Shannon (present), who would vote "nay," with Mr. Clayton (absent), who would vote "yea."

Mr. McGregor moved that further consideration of the report be postponed until 9 o'clock a. m., tomorrow.

The motion prevailed.

HOUSE BILL NO. 15 WITH SENATE AMENDMENTS

Mr. Hoskins called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 15, Relative to the taking of certain fish from the fresh waters of Gonzales County.

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Hoskins, the House concurred in the Senate amendments.

Mr. Hoskins moved to reconsider the vote by which the House concurred in the Senate amendments.

The motion to reconsider prevailed.

On motion of Mr. Hoskins, the House concurred in the Senate amendments by the following vote:

Yeas—121

Aikin.	Bedford.
Alexander.	Bergman.
Alsup.	Bourne.
Anderson.	Bradley.
Atchison.	Burns.
Barrett.	Butler.
Barron.	Camp.
Beck.	Canon.

Cathey.	Mackay.
Chastain.	Magee.
Clayton.	Mathis.
Colson.	McCullough.
Coombes.	McGregor.
Cowley.	McKee.
Crossley.	Merritt.
Daniel.	Metcalfe.
Davidson.	Mitcham.
Dean.	Moffett.
Dunlap.	Moore.
Duvall.	Morrison.
Dwyer.	Morse.
Fain.	Munson.
Fisher.	Nicholson.
Fuchs.	Palmer.
Glass.	Patterson.
Golson.	Pavlica.
Good.	Pope.
Graves.	Puryear.
Greathouse.	Ramsey.
Griffith.	Ratliff.
Hankamer.	Ray.
Harris.	Reed of Bowie.
Hartzog.	Reed of Dallas.
Head.	Renfro.
Hicks.	Riddle.
Hill.	Roark.
Hodges.	Roberts.
Holekamp.	Rogers of Hunt.
Holland.	Rollins.
Holloway.	Savage.
Hoskins.	Scott.
Huddleston.	Smith.
Hughes.	Stanfield.
Hunt.	Steward.
Hunter.	Stinson.
Hyder.	Stovall.
Jackson.	Stubbsman.
James.	Tarwater.
Johnson	Tennyson.
of Anderson.	Tillery.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Venable.
Kyle of Palo Pinto.	Wagstaff.
Laird.	Walker.
Lange.	Weinert.
Latham.	Wells.
Lemens.	Wood.
Lindsey.	Young.
Long.	

Absent

Baker.	Leonard.
Calvert.	Lotief.
Caven.	Parkhouse.
Celaya.	Reader.
Devall.	Rogers
Dunagan.	of Ochiltree.
Engelhard.	Scarborough.
Goodman.	Shannon.
Harman.	Shults.
Harrison.	Thomas.
Jefferson.	Winningham.

Absent—Excused

Adamson,	Johnson
Ford.	of Dimmit.
Hester.	McDougald.
	Russell.

HOUSE BILL NO. 55 WITH SENATE AMENDMENTS

Mr. Hankamer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 55, A bill to be entitled "An Act empowering counties through their commissioners courts to provide for annual exhibits of horticultural and agricultural products, live stock and minerals and other products of interest to such counties and in connection therewith to establish and maintain museums, including the erection of the necessary buildings and other improvements; etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Hankamer, the House concurred in the Senate amendments by the following vote:

Yeas—120

Aikin.	Good.
Alexander.	Goodman.
Alsup.	Greathouse.
Anderson.	Griffith.
Atchison.	Hankamer.
Barrett.	Harman.
Barron.	Harris.
Beck.	Hartzog.
Bedford.	Head.
Bergman.	Hicks.
Bourne.	Hill.
Bradley.	Holekamp.
Burns.	Holloway.
Butler.	Huddleston.
Camp.	Hughes.
Canon.	Hunt.
Cathey.	Hunter.
Chastain.	Hyder.
Clayton.	Jackson.
Colson.	James.
Coombes.	Johnson
Cowley.	of Anderson.
Crossley.	Jones of Atascosa.
Daniel.	Jones of Runnels.
Davidson.	Jones of Shelby.
Dean.	Kayton.
Dunlap.	Kyle of Hays.
Duvall.	Kyle of Palo Pinto.
Engelhard.	Laird.
Fain.	Lange.
Fisher.	Latham.
Fuchs.	Lemens.
Glass.	Leonard.
Golson.	Lindsey.

Mackay.	Roark.
Magee.	Roberts.
Mathis.	Rogers of Hunt.
McCullough.	Rollins.
McGregor.	Savage.
McKee.	Scarborough.
Merritt.	Scott.
Metcalfe.	Smith.
Mitcham.	Stanfield.
Moffett.	Steward.
Moore.	Stinson.
Morrison.	Stovall.
Morse.	Stubbeman.
Munson.	Tarwater.
Nicholson.	Tennyson.
Palmer.	Thomas.
Parkhouse.	Townsend.
Patterson.	Turlington.
Pavlica.	Van Zandt.
Pope.	Vaughan.
Puryear.	Venable.
Ramsey.	Wagstaff.
Ratliff.	Walker.
Ray.	Weinert.
Reed of Bowie.	Wells.
Reed of Dallas.	Wood.
Renfro.	Young.

Absent

Baker.	Jefferson.
Calvert.	Long.
Caven.	Lotief.
Celaya.	Reader.
Devall.	Riddle.
Dunagan.	Rogers
Dwyer.	of Ochiltree.
Graves.	Shannon.
Harrison.	Shults.
Hodges.	Tillery.
Holland.	Winningham.
Hoskins.	

Absent—Excused

Adamson.	Johnson
Ford.	of Dimmit.
Hester.	McDougald.
	Russell.

HOUSE BILL NO. 70 WITH SENATE AMENDMENTS

Mr. Roberts called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 70, A bill to be entitled "An Act to amend Chapter 13, of Title 49, Revised Civil Statutes of 1925, by adding thereto an additional article to be known as Article 2790-d, authorizing independent school districts located partly in three or more counties of this State to issue refunding warrants in lieu of and in extension of eligible vouchers; etc., and declaring an emergency."

On motion of Mr. Roberts, the House concurred in the Senate amendments by the following vote:

Yeas—122

Aikin.	Lange.
Alexander.	Latham.
Alsup.	Lemens.
Atchison.	Leonard.
Barrett.	Lindsey.
Barron.	Mackay.
Beck.	Magee.
Bedford.	Mathis.
Bergman.	McCullough.
Bourne.	McGregor.
Bradley.	McKee.
Burns.	Merritt.
Calvert.	Metcalfe.
Camp.	Mitcham.
Canon.	Moffett.
Chastain.	Moore.
Clayton.	Morrison.
Colson.	Morse.
Coombes.	Munson.
Cowley.	Nicholson.
Crossley.	Palmer.
Daniel.	Parkhouse.
Davidson.	Patterson.
Dean.	Pavlica.
Dunlap.	Pope.
Dunagan.	Puryear.
Duvall.	Ramsey.
Engelhard.	Ratliff.
Fain.	Reader.
Fisher.	Reed of Bowie.
Fuchs.	Reed of Dallas.
Glass.	Renfro.
Golson.	Riddle.
Good.	Roark.
Goodman.	Roberts.
Graves.	Rogers of Hunt.
Greathouse.	Rogers
Griffith.	of Ochiltree.
Hankamer.	Rollins.
Harman.	Savage.
Harris.	Scarborough.
Head.	Scott.
Hill.	Smith.
Holekamp.	Stanfield.
Holland.	Steward.
Hoskins.	Stovall.
Huddleston.	Stubbeman.
Hughes.	Tarwater.
Hunt.	Tennyson.
Hunter.	Thomas.
Hyder.	Tillery.
Jackson.	Townsend.
James.	Turlington.
Johnson	Van Zandt.
of Anderson.	Vaughan.
Jones of Atascosa.	Venable.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Walker.
Kayton.	Weinert.
Kyle of Hays.	Wells.
Kyle of Palo Pinto.	Wood.
Laird.	Young.

Absent

Anderson.	Hodges.
Baker.	Holloway.
Butler.	Jefferson.
Cathey.	Long.
Caven.	Lotief.
Celaya.	Ray.
Devall.	Shannon.
Dwyer.	Shults.
Harrison.	Stinson.
Hartzog.	Winningham.
Hicks.	

Absent—Excused

Adamson.	Johnson
Ford.	of Dimmit.
Hester.	McDougald.
	Russell.

HOUSE BILL NO. 77 WITH SENATE AMENDMENTS

Mr. Jones of Atascosa called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 77, A bill to be entitled "An Act authorizing county commissioners courts to purchase materials for the purpose of aiding and co-operating with the agencies of the State and Federal Governments in the construction of buildings for the purpose of housing canneries and canning factories where appropriations have been or may hereafter be made out of the Federal and State funds set aside for the relief of the unemployed and needy people of the State of Texas; etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Jones of Atascosa, the House concurred in the Senate amendments by the following vote:

Yeas—117

Aikin.	Clayton.
Alexander.	Colson.
Alsup.	Coombes.
Atchison.	Cowley.
Barrett.	Crossley.
Barron.	Davidson.
Beck.	Dean.
Bedford.	Dunlap.
Bergman.	Dunagan.
Bourne.	Duvall.
Bradley.	Engelhard.
Calvert.	Fain.
Camp.	Fisher.
Canon.	Fuchs.
Cathey.	Glass.
Chastain.	Golson.

Good.	Moore.
Goodman.	Morrison.
Graves.	Morse.
Greathouse.	Munson.
Griffith.	Nicholson.
Harman.	Palmer.
Harris.	Patterson.
Hartzog.	Pavlica.
Head.	Pope.
Hill.	Puryear.
Hodges.	Ramsey.
Holekamp.	Ratliff.
Holland.	Reader.
Holloway.	Reed of Bowie.
Hoskins.	Reed of Dallas.
Huddleston.	Renfro.
Hughes.	Riddle.
Hunt.	Roark.
Hunter.	Roberts.
Hyder.	Rogers
Jackson.	of Ochiltree.
James.	Rollins.
Johnson	Savage.
of Anderson.	Scarborough.
Jones of Atascosa.	Scott.
Jones of Runnels.	Smith.
Jones of Shelby.	Stanfield.
Kayton.	Steward.
Kyle of Hays.	Stinson.
Kyle of Palo Pinto.	Stovall.
Lange.	Stubbeman.
Latham.	Tarwater.
Lemens.	Thomas.
Leonard.	Tillery.
Lindsey.	Townsend.
Mackay.	Turlington.
Mathis.	Van Zandt.
McCullough.	Vaughan.
McGregor.	Wagstaff.
McKee.	Walker.
Merritt.	Weinert.
Metcalfe.	Wells.
Mitcham.	Wood.
Moffett.	Young.

Absent

Anderson.	Laird.
Baker.	Long.
Burns.	Lotief.
Butler.	Magee.
Caven.	Parkhouse.
Celaya.	Ray.
Daniel.	Rogers of Hunt.
Devall.	Shannon.
Dwyer.	Shults.
Hankamer.	Tennyson.
Harrison.	Venable.
Hicks.	Winningham.
Jefferson.	

Absent—Excused

Adamson.	Johnson
Ford.	of Dimmit.
Hester.	McDougald.
	Russell.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, November 9, 1934.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has adopted

H. C. R. No. 5, Relating to sine
die adjournment.

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION NO. 7 WITH SENATE AMENDMENTS

Mr. Kayton called up from the
Speaker's table, with Senate amend-
ments, for consideration of the
amendments,

H. C. R. No. 7, Relative to the
erection of certain markers by High-
way Department.

The Speaker laid the resolution be-
fore the House with the Senate
amendments.

Mr. Kayton moved that the House
do not concur in the Senate amend-
ments, and that a conference com-
mittee be requested to adjust the dif-
ferences between the two houses on
the bill.

The motion prevailed.

In accordance with the above ac-
tion, the Speaker announced the ap-
pointment of the following commit-
tee: Messrs. Kayton, James, Rogers
of Ochiltree, Hunt, and Fain.

TELEGRAM FROM HON. J. P. BUCHANAN

On motion of Mr. Moore, the fol-
lowing was ordered printed in the
Journal:

Washington, D. C.,
November 8, 1934.

Hon. Walter Woodward, Senate of
Texas, Austin, Texas:

I conferred at length with Hund
and Burke of PWA on the Colorado
Authority Bill now pending in the
Legislature of Texas. As you know,
I favor the development of Texas
and every section thereof. There-
fore, I want the Colorado River Au-
thority Bill to deal fairly and justly
with the people throughout its water-
shed. Believing as I do that abund-
ant flood waters go down this river
which, if conserved will meet every
demand of municipalities, irrigation
and production of hydro-electric
power; and further believing that I

can procure the allotment of the necessary funds to complete the Buchanan Dam as well as three or four other dams on other good dam sites immediately below the Buchanan Dam with the Dean or public policy amendment in the bill. Therefore, neither Public Works or myself deem Dean amendment fatal to the project. The Moore amendment dealing with compensation commission, etc., arising out of a contract entered into between Receiver Sayer and Morrison about two and one-half years ago, making it a felony for the court receiver and Morrison to carry out this contract, etc., is fatal to the project. It will render it impossible for the public authority to procure title and possession of the dam site and other property now vested in the Colorado River Company. Entire Federal allotment of four and one-half million will be used to pay off lienholders and to finish construction of the dam. Whether or not Morrison gets any compensation or commission will depend upon the judicial determination of the Federal court in construing the two and one-half year old contract entered into by Sayer and Morrison and approved by the court before Public Works and myself had anything whatsoever to do with this project. If the Federal court decides Morrison is entitled to any sum salvaged out of the property of this bankrupt Insull project and directs the receiver to see that he gets it and the directors of Public Authority delivers the amount in revenue bonds of the district to Morrison and Morrison receives them, then the Federal judge who makes the decree, the receiver in distributing the salvaged assets and the directors who deliver the revenue bonds to Morrison and Morrison who received them, may all be subject to indictment for a felony under the so-called Moore amendment. Regardless of whether a conviction could be had, the possibility of an indictment is sufficient to prevent the transfer of this property to the Colorado River Authority. If Morrison has any interest in this property, it is a vested interest arising under a contract duly entered into, and the Legislature of Texas has no authority to impair its obligation. The project cannot be consummated with this amendment in the bill. The amendment by Kayton, providing in substance that in any circumstances

control of the district shall not be shifted from the public authority or the State, is in conflict with the provisions of the bill providing for the appointment of a receiver in the event of default in the past due payments. This amendment should go out of the bill. I hope the Members of the Legislature realize the importance of this project which contemplates the construction of five power dams with the Buchanan Dam creating the principal reservoir and that the same impounded water will be used five times in producing electric energy. That these dam sites are within economical transmission distance of Fort Worth, Dallas, San Antonio and Houston. That the amount of electric energy produced by them will probably be sufficient to supply all their needs; that the utility companies can well afford to contract for the electrical energy produced at these dams and distribute the same over their high lines at a much cheaper rate to the consumer than they can now afford with their more expensive system of producing energy. If the Legislature will pass this bill with the amendment above mentioned eliminated I feel reasonably sure that the Federal Government ultimately will allot ten to fifteen million to complete the entire project. I hope you will impress your fellow Members what this important enterprise means to Texas by way of development as well as relief brought forth to unemployment conditions and the enormous saving in flood prevention in the lower regions of the valley.

J. P. BUCHANAN, M. C.

RECESS

Mr. Scarborough moved that the House recess to 8 o'clock p. m., today.

Mr. Rogers of Ochiltree moved that the House adjourn until 9 o'clock a. m., Saturday, November 10.

The motion of Mr. Scarborough prevailed, and the House, accordingly, at 6:10 o'clock p. m., took recess to 8 o'clock p. m., today.

NIGHT SESSION

The House met at 8 o'clock p. m., and was called to order by the Speaker.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid be-

fore the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 5, to the Committee on Revenue and Taxation.

TO AUTHORIZE CERTAIN CORRECTIONS IN HOUSE BILL NO. 43

Mr. Harman offered the following resolution:

H. C. R. No. 10, To amend the caption of House Bill No. 43.

Whereas, House Bill No. 43 has passed the House and Senate; and

Whereas, The caption of said bill should be amended to conform to the body of the bill; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be directed to change the words "September 1," to read "August 31."

The resolution was read second time, and was adopted.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. C. R. No. 4, Protesting the classification of certain wage scale.

H. B. No. 67, "An Act authorizing cities and towns having a population of not more than twenty-eight thousand (28,000) inhabitants nor less than twenty-seven thousand (27,000) inhabitants as shown by the next preceding Federal Census to build, construct, enlarge, encumber or purchase municipal boathouses, and boat piling protections and wharfs, docks, walks, ways, walls, bulkheads, and fills in connection with and in aid of the use of such boathouses and boat piling protections; to borrow money and accept grants for such purpose from the Federal Government or any of its agencies, or to borrow money from any other sources and to issue revenue bonds or warrants therefor and secure the payment of the same by mortgaging the physical property so acquired or to be built or acquired and the net revenues therefrom; and providing that such cities may stipulate with the lender that a purchaser at sale or foreclosure shall have a permit to operate the same in accordance with the laws then or thereafter in effect reg-

ulating such houses and protections; and providing that such obligation shall never be a debt of such city, but shall be solely a charge on the property so encumbered, and the revenues therefrom; and providing that such houses and protections may be improved, repaired or extended; and providing that the provisions of Article 2368-a, Revised Civil Statutes of Texas, of 1925, with reference to notice, the right of referendum and competitive bidding, shall not be applicable to all projects financed under this Act; and providing that the revenue warrants or bonds issued hereunder shall have stamped or written thereon that the holder thereof shall never be entitled to demand the payment of such bonds or warrants out of any funds raised or to be raised by taxation; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

H. B. No. 31, "An Act validating bonds issued, authorized by ordinance to be issued and/or attempted to be issued under the authority of Articles 1111 to 1118, both inclusive, of the Texas Revised Civil Statutes of 1925, and the amendment thereto contained in Acts of 1933, Forty-third Legislature, page 320, Chapter 122, for the purpose of improving and extending an existing municipal sewer system by Home Rule cities having a population in excess of one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, and which bonds are payable exclusively from the revenues of such systems, and are secured only by a pledge of such revenues, and which bonds are to be issued, delivered and sold under existing contracts to the United States of America, and validating all orders, ordinances and resolutions of the governing bodies of such cities authorizing such bonds or attempting to authorize the same, and declaring an emergency."

H. B. No. 75, "An Act to amend Article 880, of the Penal Code of 1925, by providing that Brazoria County be added to the list of counties excepted from the provisions of said article, and declaring an emergency."

H. B. No. 63, "An Act to provide that all cities situated not more than one hundred (100) miles from the Gulf of Mexico, and not more than fifty (50) miles from any stream forming an international boundary, may mortgage and encumber their

abattoirs and the income thereof, for the purpose of constructing, acquiring or improving the same; providing for manner of issuance of notes or warrants for such purposes, and providing that this law shall take precedence over conflicting charter provisions; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

H. B. No. 53, "An Act making an appropriation to pay deficiency claims accruing in the State Banking Department during the fiscal year ending August 31, 1934, and declaring an emergency."

H. B. No. 42, "An Act making appropriation, out of any moneys not otherwise appropriated, to pay for record cases, equipment and furnishings for the Record Bureau to be purchased by the State Board of Control, and declaring an emergency."

H. B. No. 40, "An Act amending Chapter 28, of the Special Laws of the First Called Session of the Forty-third Legislature; providing a penalty, and declaring an emergency."

H. B. No. 39, "An Act amending Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended, so as to extend the time within which the contracts, bonds, notes, or other evidence of indebtedness authorized by said Chapter 130, as amended, shall not be issued or executed after the 31st day of December, 1935, and declaring an emergency."

H. B. No. 26, "An Act amending Article 1976, of Title 42, Chapter 1, of the 1925 Revised Civil Statutes, of the State of Texas, so as to provide the actual possession of property not necessary to maintain action provided for in Article 1975, Title 42, Chapter 1, of the 1925 Revised Civil Statutes, of Texas; providing the manner of service on defendant or defendants in such action, and declaring an emergency."

H. B. No. 23, "An Act changing the time of holding the terms of the District Court in the One Hundredth Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed, and returned to existing terms of district court in the counties composing said district, together with jurors heretofore selected are valid and returnable to the first term of such court after this Act takes effect, and providing

for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms; repealing all conflicting laws; fixing the effective date of the Act, and declaring an emergency."

H. B. No. 12, "An Act making appropriation for the manufacturing of typhus vaccines and serums by the State Health Department and paying for such extra labor as may be necessary, and declaring an emergency."

GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 6, Granting permission to sue the State.

Whereas, On or about December 19, 1933, W. H. McKenzie, of Monahans, Texas, was an employe of the State Highway Department, and had been so employed for a period of more than three years, and on the date referred to was working on the Bankhead Highway No. 1 of the State of Texas; and

Whereas, While hauling caliche from a caliche pit, said pit caved in, injuring his spine to the extent that he is permanently crippled and will never be able to stand or walk, causing him to be a dependent the remainder of his life; and

Whereas, Mr. McKenzie, by reason of these injuries, has had no income and is, therefore, in destitute circumstances and has been compelled to accept the aid of the R. F. C., in the county which he resides, and the Masonic Lodge to support his family; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said W. H. McKenzie be, and he is hereby, granted permission to bring suit against the State of Texas in a court of competent jurisdiction in Travis County, Texas, to determine what compensation he is entitled to receive by reason of injuries received while an employe of the State Highway Department, and that in case such suit be filed service of citation or other necessary process may be had upon the Highway Commission and Attorney General with the same force and effect as is made and provided in civil suits.

The resolution was read second time.

On motion of Mr. Hankamer, the rule requiring that the resolution be first sent to the Committee on State Affairs, before being considered by the House, was suspended.

Question recurring on the resolution, it was adopted.

EXPRESSING APPRECIATION OF THE HOUSE

Mr. Leonard offered the following resolution:

Whereas, During the Regular and Called Sessions of the Forty-third Legislature, as in previous Legislatures, it has been highly important to the Members of the House of Representatives that mail addressed to them be promptly distributed, to the end that business between the Members and their constituents could be more quickly transacted; and

Whereas, Those in charge of Capitol Station Post Office in the Capitol Building have always been prompt and diligent in the handling of mail addressed to the Members of the House of Representatives; and

Whereas, Those in charge of Capitol Station Post Office have not only discharged their stated duties with promptness and dispatch, but, in addition, have been at all times courteous to and considerate of the Members of the House of Representatives; now, therefore, be it

Resolved by the House of Representatives, That this be our expression of appreciation to Mr. W. T. Livesay, Superintendent, and Mr. M. Schramm, Assistant Superintendent, of Capitol Station Post Office for their efficiency in handling mail addressed to Members of the House of Representatives; and be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to send enrolled copies of this resolution to Mr. W. T. Livesay, Mr. M. Schramm, and to Honorable James A. Farley, Postmaster General of the United States.

LEONARD,
GLASS,
CLAYTON,
YOUNG.

The resolution was read second time, and was unanimously adopted.

Mr. Pope moved a call of the House for the purpose of securing and maintaining a quorum until 9:30 o'clock p. m., and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance

to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no Member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Pope, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

HOUSE BILL NO. 47 WITH SENATE AMENDMENTS

Mr. Nicholson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 47, A bill to be entitled "An Act to amend Chapter 68, Acts of the First Called Session of the Forty-third Legislature, creating a conservation and reclamation district by the name of 'Lower Neches Valley Authority,' so as to better provide for securing Federal funds for such district and provide work for the relief of unemployed persons of Texas, and requiring submission by said district preliminary to issuing any obligations under said Act, of a certified copy of such obligations and of the proceedings authorizing the issuance of such obligations to the Attorney General of Texas for approval, and requiring such obligations, when so approved, to be registered by the Comptroller of the State of Texas; etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Nicholson moved that the House concur in the Senate amendments.

Mr. Reed of Bowie moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences.

Question recurring on the motion by Mr. Reed of Bowie, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—39

Aikin.	Crossley.
Alsup.	Davidson.
Atchison.	Dean.
Barrett.	Good.
Bedford.	Hankamer.
Bourne.	Harman.
Camp.	Harris.
Cathey.	Hicks.
Chastain.	Huddleston.
Coombes.	Hunt.

Hunter.	Scott.
Jones of Runnels.	Stovall.
Magee.	Thomas.
Mitcham.	Van Zandt.
Puryear.	Vaughan.
Reed of Bowie.	Venable.
Renfro.	Wagstaff.
Riddle.	Winningham.
Roberts.	Wood.
Rollins.	

Nays—72

Alexander.	Leonard.
Anderson.	Long.
Baker.	Mackay.
Beck.	Mathis.
Bradley.	McCullough.
Burns.	McGregor.
Butler.	Metcalfe.
Celaya.	Moffett.
Clayton.	Moore.
Colson.	Morrison.
Cowley.	Morse.
Daniel.	Munson.
Dunlap.	Nicholson.
Engelhard.	Parkhouse.
Fain.	Patterson.
Fuchs.	Pope.
Glass.	Ratliff.
Golson.	Ray.
Greathouse.	Reed of Dallas.
Griffith.	Roark.
Hartzog.	Rogers of Hunt.
Head.	Rogers
Holekamp.	of Ochiltree.
Holland.	Savage.
Holloway.	Scarborough.
Hoskins.	Stanfield.
Hughes.	Stinson.
Hyder.	Stubbeman.
Jackson.	Tarwater.
James.	Tennyson.
Jones of Atascosa.	Tillery.
Jones of Shelby.	Townsend.
Kayton.	Turlington.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Wells.
Laird.	Young.
Latham.	

Absent

Barron.	Lange.
Bergman.	Lemens.
Calvert.	Lindsey.
Canon.	Lotief.
Caven.	McKee.
Devall.	Merritt.
Dunagan.	Palmer.
Duvall.	Pavlica.
Dwyer.	Ramsey.
Goodman.	Reader.
Graves.	Shannon.
Harrison.	Shults.
Hill.	Smith.
Hodges.	Steward.
Jefferson.	Weinert.
Johnson	
of Anderson.	

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

Question then recurring on the motion by Mr. Nicholson, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—77

Alexander.	Latham.
Anderson.	Leonard.
Baker.	Long.
Beck.	Mackay.
Bradley.	Mathis.
Burns.	McCullough.
Butler.	McGregor.
Celaya.	McKee.
Chastain.	Metcalfe.
Clayton.	Moffett.
Colson.	Moore.
Cowley.	Morrison.
Daniel.	Morse.
Davidson.	Munson.
Dunlap.	Palmer.
Dunagan.	Patterson.
Engelhard.	Pope.
Fain.	Ratliff.
Fuchs.	Ray.
Glass.	Reed of Dallas.
Golson.	Renfro.
Goodman.	Roark.
Greathouse.	Rogers of Hunt.
Griffith.	Rogers
Hartzog.	of Ochiltree.
Head.	Savage.
Holekamp.	Scarborough.
Holland.	Stanfield.
Holloway.	Stinson.
Hoskins.	Stubbeman.
Hughes.	Tarwater.
Hyder.	Tennyson.
Jackson.	Thomas.
James.	Tillery.
Jones of Shelby.	Townsend.
Kayton.	Turlington.
Kyle of Hays.	Van Zandt.
Kyle of Palo Pinto.	Walker.
Laird.	Young.

Nays—33

Aikin.	Hankamer.
Alsup.	Harris.
Atchison.	Hicks.
Barrett.	Hunt.
Bedford.	Hunter.
Bourne.	Jones of Atascosa.
Camp.	Jones of Runnels.
Canon.	Magee.
Cathey.	Mitcham.
Coombes.	Puryear.
Crossley.	Reed of Bowie.
Good.	Riddle.

Roberts.
Rollins.
Scott.
Stovall.
Vaughan.

Venable.
Wagstaff.
Winningham.
Wood.

Absent

Barron.
Bergman.
Calvert.
Caven.
Dean.
Devall.
Duvall.
Dwyer.
Graves.
Harman.
Harrison.
Hill.
Hodges.
Huddleston.
Jefferson.
Johnson
of Anderson.

Lange.
Lemens.
Lindsey.
Lotief.
Merritt.
Nicholson.
Parkhouse.
Pavlica.
Ramsey.
Reader.
Shannon.
Shults.
Smith.
Steward.
Weinert.
Wells.

Absent—Excused

Adamson.
Fisher.
Ford.
Hester.

Johnson
of Dimmit.
McDougald.
Russell.

HOUSE BILL NO. 4 WITH SENATE AMENDMENTS

Mr. Engelhard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 4, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this Act."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Engelhard, the House concurred in the Senate amendments by the following vote:

Yeas—93

Alexander.
Alsup.
Anderson.
Atchison.
Baker.
Barrett.
Bourne.
Bradley.
Burns.
Butler.
Canon.
Cathey.
Chastain.
Clayton.

Colson.
Coombes.
Cowley.
Crossley.
Daniel.
Dean.
Dunagan.
Duvall.
Dwyer.
Engelhard.
Fain.
Fuchs.
Glass.
Golson.

Good.
Goodman.
Greathouse.
Griffith.
Hankamer.
Harman.
Hartzog.
Head.
Hill.
Holekamp.
Holland.
Holloway.
Hoskins.
Hyder.
Jackson.
James.
Jones of Atascosa.
Jones of Runnels.
Jones of Shelby.
Kayton.
Kyle of Hays.
Kyle of Palo Pinto.
Laird.
Latham.
Leonard.
Long.
Mackay.
Magee.
Mathis.
McCullough.
McGregor.
McKee.
Metcalf.

Moffett.
Moore.
Morrison.
Morse.
Munson.
Nicholson.
Patterson.
Purveyer.
Ratliff.
Ray.
Reed of Dallas.
Renfro.
Riddle.
Roark.
Roberts.
Rogers of Hunt.
Rogers
of Ochiltree.
Savage.
Stanfield.
Stinson.
Stovall.
Stubbeman.
Tarwater.
Thomas.
Tillery.
Townsend.
Turlington.
Van Zandt.
Wagstaff.
Wells.
Wood.
Young.

Nays—17

Aikin.
Beck.
Bergman.
Harris.
Hicks.
Hunt.
Hunter.
Mitcham.
Palmer.

Pope.
Reed of Bowie.
Rollins.
Scott.
Tennyson.
Vaughan.
Walker.
Winningham.

Absent

Barron.
Bedford.
Calvert.
Camp.
Caven.
Celaya.
Davidson.
Devall.
Dunlap.
Graves.
Harrison.
Hodges.
Huddleston.
Hughes.
Jefferson.
Johnson
of Anderson.

Lange.
Lemens.
Lindsey.
Lotief.
Merritt.
Parkhouse.
Pavlica.
Ramsey.
Reader.
Scarborough.
Shannon.
Shults.
Smith.
Steward.
Venable.
Weinert.

Absent—Excused

Adamson.
Fisher.

Ford.

Hester.
Johnson
of Dimmit.

McDougald.
Russell.

On motion of Mr. Pope, the call of the House was extended until 10 o'clock p. m., today.

HOUSE BILL NO. 52 WITH SENATE AMENDMENTS

Mr. Morrison called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 52, A bill to be entitled "An Act providing that the governing body of any city or town in this State, in making up the annual appropriation for the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system, service or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, service or enterprise, shall then provide for payment of principal and interest of any indebtedness outstanding against such system, service or enterprise, and may then make such appropriations as remaining income and revenue of such system, service or enterprise, may justify, to be appropriated among respective departments of the municipal government, or otherwise appropriated for public uses, as such governing body may deem best; etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Morrison, the House concurred in the Senate amendments by the following vote:

Yeas—106

Aikin.	Clayton.
Alexander.	Colson.
Alsup.	Cowley.
Atchison.	Crossley.
Baker.	Daniel.
Barrett.	Davidson.
Beck.	Dean.
Bedford.	Dunlap.
Bergman.	Dunagan.
Bourne.	Engelhard.
Bradley.	Fain.
Burns.	Fuchs.
Camp.	Glass.
Canon.	Golson.
Cathey.	Good.
Celaya.	Goodman.
Chastain.	Greathouse.

Griffith.	Palmer.
Hankamer.	Parkhouse.
Harman.	Patterson.
Harris.	Pavlica.
Hartzog.	Pope.
Head.	Purveyar.
Hicks.	Ratliff.
Hill.	Ray.
Holekamp.	Reed of Bowie.
Holland.	Reed of Dallas.
Holloway.	Renfro.
Hoskins.	Riddle.
Huddleston.	Roark.
Hunt.	Roberts.
Hunter.	Rogers of Hunt.
Hyder.	Rogers
Jackson.	of Ochiltree.
James.	Rollins.
Jones of Atascosa.	Savage.
Jones of Shelby.	Scarborough.
Kayton.	Scott.
Kyle of Hays.	Stanfield.
Kyle of Palo Pinto.	Stovall.
Laird.	Stubbeman.
Mackay.	Tarwater.
Magee.	Tennyson.
Mathis.	Thomas.
McCullough.	Turlington.
McGregor.	Van Zandt.
McKee.	Vaughan.
Metcalfe.	Venable.
Mitcham.	Wagstaff.
Moffett.	Walker.
Morrison.	Wells.
Morse.	Wood.
Munson.	Young.
Nicholson.	

Nays—3

Butler.	Winningham.
Townsend.	

Absent

Anderson.	Latham.
Barron.	Lemens.
Calvert.	Leonard.
Caven.	Lindsey.
Coombes.	Long.
Devall.	Lotief.
Duvall.	Merritt.
Dwyer.	Moore.
Graves.	Ramsey.
Harrison.	Reader.
Hodges.	Shannon.
Hughes.	Shults.
Jefferson.	Smith.
Johnson	Steward.
of Anderson.	Stinson.
Jones of Runnels.	Tillery.
Lange.	Weinert.

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

SENATE BILL NO. 19 ON SECOND
READING

Mr. Kyle of Palo Pinto moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 19 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98

Aikin.	Jones of Shelby.
Alexander.	Kayton.
Alsup.	Kyle of Hays.
Anderson.	Laird.
Atchison.	Latham.
Baker.	Leonard.
Barrett.	Long.
Bergman.	Mackay.
Bourne.	Mathis.
Bradley.	McGregor.
Burns.	Metcalfe.
Butler.	Mitcham.
Camp.	Moffett.
Canon.	Morrison.
Celaya.	Morse.
Chastain.	Munson.
Colson.	Nicholson.
Cowley.	Palmer.
Crossley.	Parkhouse.
Davidson.	Patterson.
Dean.	Pope.
Dunlap.	Puryear.
Dunagan.	Ratliff.
Engelhard.	Ray.
Fain.	Reed of Bowie.
Fuchs.	Reed of Dallas.
Glass.	Renfro.
Golson.	Roark.
Good.	Roberts.
Goodman.	Rogers of Hunt.
Greathouse.	Rogers
Griffith.	of Ochiltree.
Hankamer.	Savage.
Harman.	Scarborough.
Harris.	Stanfield.
Hartzog.	Stinson.
Head.	Stovall.
Hicks.	Stubbeman.
Hill.	Tarwater.
Holekamp.	Thomas.
Holland.	Tillery.
Holloway.	Townsend.
Hoskins.	Turlington.
Huddleston.	Van Zandt.
Hughes.	Wagstaff.
Hunter.	Walker.
Jackson.	Wells.
James.	Wood.
Jones of Atascosa.	Young.
Jones of Runnels.	

Nays—2

Rollins.	Winningham.
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Absent

Barron.	Lemens.
Beck.	Lindsey.
Bedford.	Lotief.
Calvert.	Magee.
Cathey.	McCullough.
Caven.	McKee.
Clayton.	Merritt.
Coombes.	Moore.
Daniel.	Pavlica.
Devall.	Ramsey.
Duvall.	Reader.
Dwyer.	Riddle.
Graves.	Scott.
Harrison.	Shannon.
Hodges.	Shults.
Hunt.	Smith.
Hyder.	Steward.
Jefferson.	Tennyson.
Johnson	Vaughan.
of Anderson.	Venable.
Kyle of Palo Pinto.	Weinert.
Lange.	

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 19, A bill to be entitled "An Act to amend Subdivision 44, of Article 1302, Title 32, of the Revised Civil Statutes of Texas, 1925, by providing additional purposes for which corporations may be formed under the laws of the State of Texas, and further specifically providing that the drilling and operation of mineral water wells and the manufacturing of mineral crystals and other by-products of mineral water therefrom and the sale of such products of mineral water may be combined with the business of conducting a hotel, office building, opera and playhouse, department house, or steam laundry, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 19 ON THIRD
READING

The Speaker then laid Senate Bill No. 19 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Aikin.	Kyle of Palo Pinto.
Alexander.	Laird.
Alsup.	Latham.
Atchison.	Leonard.
Baker.	Long.
Barrett.	Mackay.
Bourne.	Magee.
Bradley.	McCullough.
Burns.	McGregor.
Butler.	McKee.
Camp.	Metcalfe.
Canon.	Mitcham.
Cathey.	Moffett.
Celaya.	Moore.
Chastain.	Morse.
Colson.	Munson.
Crossley.	Nicholson.
Davidson.	Palmer.
Dean.	Parkhouse.
Dunlap.	Patterson.
Dunagan.	Pope.
Engelhard.	Puryear.
Fain.	Ratliff.
Fuchs.	Ray.
Glass.	Reed of Bowie.
Golson.	Reed of Dallas.
Good.	Renfro.
Goodman.	Riddle.
Greathouse.	Roark.
Griffith.	Roberts.
Hankamer.	Rogers of Hunt.
Harman.	Rogers
Harris.	of Ochiltree.
Hartzog.	Savage.
Head.	Scarborough.
Hicks.	Scott.
Hill.	Stanfield.
Holekamp.	Stubbeman.
Holland.	Tarwater.
Holloway.	Tennyson.
Hoskins.	Thomas.
Huddleston.	Townsend.
Hughes.	Turlington.
Hunt.	Van Zandt.
Hunter.	Vaughan.
Hyder.	Venable.
Jackson.	Wagstaff.
James.	Walker.
Jones of Atascosa.	Wells.
Jones of Runnels.	Winningham.
Jones of Shelby.	Wood.
Kayton.	Young.
Kyle of Hays.	

Nays—2

Rollins.	Stovall.
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Absent

Anderson.	Caven.
Barron.	Clayton.
Beck.	Coombes.
Bedford.	Cowley.
Bergman.	Daniel.
Calvert.	Devall.

Duvall.	Merritt.
Dwyer.	Morrison.
Graves.	Pavlica.
Harrison.	Ramsey.
Hodges.	Reader.
Jefferson.	Shannon.
Johnson	Shults.
of Anderson.	Smith.
Lange.	Steward.
Lemens.	Stinson.
Lindsey.	Tillery.
Lotief.	Weinert.
Mathis.	

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

SENATE BILL NO. 21 ON SECOND READING

Mr. Greathouse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 21 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95

Aikin.	Griffith.
Alexander.	Hankamer.
Alsup.	Harris.
Atchison.	Hartzog.
Baker.	Head.
Barrett.	Hill.
Beck.	Holland.
Bourne.	Hoskins.
Bradley.	Huddleston.
Burns.	Hughes.
Butler.	Hunt.
Canon.	Hyder.
Cathey.	Jackson.
Celaya.	James.
Clayton.	Jones of Atascosa.
Colson.	Jones of Runnels.
Coombes.	Jones of Shelby.
Cowley.	Kyle of Hays.
Crossley.	Kyle of Palo Pinto.
Daniel.	Laird.
Davidson.	Latham.
Dean.	Leonard.
Dunagan.	Long.
Duvall.	Mackay.
Engelhard.	McGregor.
Fain.	McKee.
Fuchs.	Metcalfe.
Glass.	Mitcham.
Golson.	Moore.
Good.	Morrison.
Goodman.	Morse.
Greathouse.	Munson.

Nicholson.	Scarborough.
Palmer.	Scott.
Patterson.	Stanfield.
Pavlica.	Stinson.
Pope.	Stovall.
Puryear.	Stubbeman.
Ramsey.	Tarwater.
Ratliff.	Thomas.
Reed of Bowie.	Van Zandt.
Renfro.	Vaughan.
Riddle.	Venable.
Roberts.	Wagstaff.
Rogers	Walker.
of Ochiltree.	Wells.
Rollins.	Wood.
Savage.	Young.

Nays—14

Anderson.	Moffett.
Bergman.	Parkhouse.
Camp.	Ray.
Chastain.	Reed of Dallas.
Hicks.	Roark.
Hunter.	Townsend.
Kayton.	Winningham.

Absent

Barron.	Lemens.
Bedford.	Lindsey.
Calvert.	Lotief.
Caven.	Magee.
Devall.	Mathis.
Dunlap.	McCullough.
Dwyer.	Merritt.
Graves.	Reader.
Harman.	Rogers of Hunt.
Harrison.	Shannon.
Hodges.	Shults.
Holekamp.	Smith.
Holloway.	Steward.
Jefferson.	Tennyson.
Johnson	Tillery.
of Anderson.	Turlington.
Lange.	Weinert.

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

On motion of Mr. Greathouse, the rule relative to the consideration of bills seventy-two hours before final adjournment, was suspended for the purpose of considering Senate Bill No. 21.

The Speaker then laid before the House on its second reading and passage to third reading,

S. B. No. 21, A bill to be entitled "An Act amending Article 2827, of the Revised Civil States of 1925, by adding thereto Subdivision 3, au-

thorizing independent school districts of the class defined in this Act to issue notes in purchasing lands and erecting buildings for school purposes and to secure such notes by vendor's liens and/or deed of trust liens on the property so acquired and to make provision for the payment of such debts and interest thereon by setting aside for and appropriating to that purpose a part of the local school funds of the district for the current year and/or subsequent years, the part so set aside not to exceed in the aggregate for any one subsequent year ten per cent (10%) of the local school funds collected in that year; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 21 ON THIRD READING

The Speaker then laid Senate Bill No. 21 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—107

Aikin.	Greathouse.
Alexander.	Griffith.
Alsup.	Hankamer.
Atchison.	Harman.
Baker.	Harris.
Barrett.	Hartzog.
Bergman.	Head.
Bourne.	Hicks.
Bradley.	Hill.
Burns.	Holekamp.
Butler.	Holland.
Canon.	Holloway.
Cathey.	Hoskins.
Celaya.	Huddleston.
Chastain.	Hughes.
Clayton.	Hunter.
Colson.	Hyder.
Coombes.	Jackson.
Cowley.	James.
Crossley.	Jones of Atascosa.
Daniel.	Jones of Runnels.
Davidson.	Jones of Shelby.
Dean.	Kyle of Hays.
Dunagan.	Kyle of Palo Pinto.
Duvall.	Laird.
Engelhard.	Latham.
Fain.	Leonard.
Fuchs.	Long.
Glass.	Mackay.
Golson.	Magee.
Good.	McCullough.
Goodman.	McGregor.

McKee.	Roberts.
Metcalfe.	Rogers
Mitcham.	of Ochiltree.
Moffett.	Rollins.
Moore.	Savage.
Morrison.	Scarborough.
Morse.	Stanfield.
Munson.	Stinson.
Nicholson.	Stovall.
Palmer.	Stubbeman.
Parkhouse.	Tarwater.
Patterson.	Tennyson.
Pavlica.	Thomas.
Pope.	Townsend.
Ramsey.	Turlington.
Ratliff.	Van Zandt.
Ray.	Vaughan.
Reed of Bowie.	Wagstaff.
Reed of Dallas.	Walker.
Renfro.	Wells.
Riddle.	Wood.
Roark.	Young.

Nays—4

Anderson.	Kayton.
Camp.	Winningham.

Absent

Barron.	Lemens.
Beck.	Lindsey.
Bedford.	Lotief.
Calvert.	Mathis.
Caven.	Merritt.
Devall.	Puryear.
Dunlap.	Reader.
Dwyer.	Rogers of Hunt.
Graves.	Scott.
Harrison.	Shannon.
Hodges.	Shults.
Hunt.	Smith.
Jefferson.	Steward.
Johnson.	Tillery.
of Anderson.	Venable.
Lange.	Weinert.

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

TO PROVIDE THAT HOUSE BILL
NO. 7 SHALL BE EFFECTIVE
IMMEDIATELY

Mr. Pope offered the following resolution:

H. C. R. No. 11, Relative to House Bill No. 7.

Whereas, House Bill No. 7 has passed both Houses of the Legislature at this, the Fourth Called Session of the Forty-third Legislature, but failed to receive sufficient votes

in the Senate to put same into immediate effect; and

Whereas, By the terms of said Act all penalties and interest are released on taxes delinquent on or before August 1, 1934, if paid on or before March 15, 1935, and as stated in said House Bill No. 7; and

Whereas, The people of Texas who owe delinquent taxes are entitled to the immediate benefit of said Act releasing interest and penalties thereon; and

Whereas, There are pending at this time many applications for loans with the Home Owners' Loan Corporation and other loan institutions, and such loans cannot be closed unless and until said interest and penalties on said delinquent taxes are released; and

Whereas, Section 39, of Article III, of the Constitution of the State of Texas, provides that laws passed by the Legislature shall take effect and go into force ninety days after the adjournment of the Session at which they are enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall by a vote of two-thirds of all the Members elected to each House, otherwise direct; and

Whereas, The emergency is a part of, and expressed in the body of, said House Bill No. 7; now, therefore, be it

Resolved, That the Legislature, by an affirmative vote of two-thirds of all the Members elected to each House, hereby directs that said House Bill No. 7 be in full force and effect from and after the passage of this resolution; the votes thereon to be taken by yeas and nays and entered upon the Journals of the respective Houses; the purpose of this resolution being to put said House Bill No. 7 into immediate effect without waiting for the expiration of the ninety-day period immediately following the adjournment of the Fourth Called Session of the Forty-third Legislature. Be it further

Resolved by the Legislature of Texas, That all tax collectors of the State, any county, city, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State be, and they are hereby, directed to follow the directions here-

of, and accept payment from all persons of all delinquent ad valorem and poll taxes that were delinquent on August 1, 1934, without paying any of the penalties or interest which were released by the terms of said House Bill No. 7, just as provided in said House Bill No. 7, when and after said House Bill No. 7 and this resolution are signed by the Governor and filed in the office of the Secretary of State; and such tax collectors shall give proper receipts therefor; and be it further

Resolved, That when said House Bill No. 7 and this resolution are finally passed, this resolution shall be printed by the Secretary of State, following the printing of said House Bill No. 7, and as a part thereof; and be it further

Resolved, That in case any clause, sentence or part of this resolution shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this resolution, but such invalidity shall be confined in its operation to the clause, sentence or part thereof directly declared invalid; and be it further

Resolved, That said House Bill No. 7 is an emergency measure, and such emergency is hereby declared for the reasons herein and in said House Bill No. 7 stated; and on account of such emergency an imperative public necessity demands that the constitutional rule, which requires all bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and said House Bill No. 7 and this resolution shall be in force and take effect from and after the passage hereof, and it is so enacted.

Signed—Pope, Canon, Aikin, Holland, Alsup, Leonard, Scarborough, Golson, Greathouse, Laird, Jones of Shelby, Engelhard, Morse, Rogers of Ochiltree, Lotief, Puryear, McGregor, Shults, Jones of Runnels, Bergman, Reed of Bowie, Huddleston, Steward, Mitcham, Reader, Roark, Tarwater, Dwyer, Holekamp, Bourne, Walker, Young, Renfro, Head, Tillery, Moffett, Ray, Roberts, Ford, Davidson, Griffith, Chastain, Hodges, Thomas, Rollins, Scott, Stubbeman, Kayton, Hankamer, Stovall, Goodman, Long, Pavlica, Russell, Lindsey, Adamson, Merritt, James, Palmer, Stanfield, Colson, Daniel, Morrison, Parkhouse,

Calvert, Rogers of Hunt, Shannon, Savage, Smith, Baker, Alexander, Hoskins, Fisher, Hartzog, Burns, Weinert, Cowley, Mackay, Nicholson, Winningham, Holland, Atchison, Duvall, Turlington, Jackson, Celaya, Butler, Kyle of Palo Pinto, Mathis, Harrison, Jefferson, Barron, Johnson of Anderson, Hicks, Barrett, Hyder, Harris, Van Zandt, Hunter, Hunt, Cathey, Holloway, Dunagan, Good, McCullough, Coombes, Hill, Lange, Jones of Atascosa.

The resolution was read second time, and was adopted by the following vote:

Yeas—121

Aikin.	Holekamp.
Alexander.	Holland.
Alsup.	Holloway.
Anderson.	Hoskins.
Atchison.	Huddleston.
Baker.	Hughes.
Barrett.	Hunt.
Barron.	Hunter.
Beck.	Hyder.
Bedford.	Jackson.
Bergman.	James.
Bourne.	Jones of Atascosa.
Burns.	Jones of Runnels.
Calvert.	Jones of Shelby.
Camp.	Kayton.
Canon.	Kyle of Hays.
Cathey.	Kyle of Palo Pinto.
Celaya.	Laird.
Chastain.	Latham.
Clayton.	Leonard.
Colson.	Long.
Coombes.	Mackay.
Cowley.	Magee.
Crossley.	Mathis.
Daniel.	McCullough.
Davidson.	McGregor.
Dean.	McKee.
Dunlap.	Metcalfe.
Dunagan.	Mitcham.
Duvall.	Moffett.
Dwyer.	Moore.
Engelhard.	Morrison.
Fain.	Morse.
Fuchs.	Munson.
Glass.	Nicholson.
Golson.	Palmer.
Good.	Parkhouse.
Goodman.	Patterson.
Greathouse.	Pavlica.
Griffith.	Pope.
Hankamer.	Puryear.
Harman.	Ramsey.
Harris.	Ratliff.
Hartzog.	Ray.
Head.	Reed of Bowie.
Hicks.	Reed of Dallas.
Hill.	Renfro.
Hodges.	Riddle.

Roark.	Tarwater.
Roberts.	Tennyson.
Rogers of Hunt.	Thomas.
Rogers	Tillery.
of Ochiltree.	Turlington.
Rollins.	Van Zandt.
Savage.	Vaughan.
Scarborough.	Venable.
Scott.	Wagstaff.
Stanfield.	Walker.
Stinson.	Wells.
Stovall.	Winningham.
Stubbeman.	Young.

Nays—3

Butler.	Wood.
Townsend.	

Absent

Bradley.	Lindsey.
Caven.	Lotief.
Devall.	Merritt.
Graves.	Reader.
Harrison.	Shannon.
Jefferson.	Shults.
Johnson	Smith.
of Anderson.	Steward.
Lange.	Weinert.
Lemens.	

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

REASON FOR VOTE

I am voting "yea" on this resolution because the delinquent tax bill has been passed, and no good purpose would be served by keeping it from going into effect at once. I never have been in favor of this character of legislation, and am not now, and think it can only have a detrimental effect on the affairs of the State.

MUNSON.

SENATE BILL NO. 14 ON THIRD READING

Mr. Burns moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92

Alexander.	Atchison.
Alsup.	Baker.

Barrett.	Kyle of Hays.
Bedford.	Kyle of Palo Pinto.
Bourne.	Laird.
Bradley.	Latham.
Burns.	Leonard.
Butler.	Long.
Calvert.	Mackay.
Camp.	Magee.
Cathey.	Mathis.
Celaya.	McGregor.
Chastain.	McKee.
Clayton.	Mitcham.
Colson.	Moffett.
Coombes.	Moore.
Cowley.	Morrison.
Crossley.	Morse.
Daniel.	Munson.
Davidson.	Nicholson.
Dean.	Palmer.
Dunlap.	Patterson.
Dunagan.	Pavlica.
Duvall.	Pope.
Dwyer.	Ramsey.
Fain.	Ratliff.
Fuchs.	Ray.
Golson.	Reed of Dallas.
Goodman.	Renfro.
Greathouse.	Riddle.
Griffith.	Roberts.
Hankamer.	Rogers
Harman.	of Ochiltree.
Harris.	Rollins.
Hartzog.	Savage.
Head.	Scarborough.
Hill.	Stanfield.
Holekamp.	Steward.
Holland.	Stinson.
Holloway.	Thomas.
Hoskins.	Townsend.
Huddleston.	Turlington.
Hughes.	Van Zandt.
Hunt.	Wells.
Jackson.	Wood.
James.	Young.
Jones of Shelby.	

Nays—24

Aikin.	Reed of Bowie.
Bergman.	Roark.
Canon.	Rogers of Hunt.
Glass.	Scott.
Good.	Stovall.
Hicks.	Stubbeman.
Hunter.	Tennyson.
Hyder.	Tillery.
Jones of Runnels.	Vaughan.
McCullough.	Wagstaff.
Parkhouse.	Walker.
Puryear.	Winningham.

Absent

Anderson.	Engelhard.
Barron.	Graves.
Beck.	Harrison.
Caven.	Hodges.
Devall.	Jefferson.

Johnson	Metcalf.
of Anderson.	Reader.
Jones of Atascosa.	Shannon.
Kayton.	Shults.
Lange.	Smith.
Lemens.	Tarwater.
Lindsey.	Venable.
Lotief.	Weinert.
Merritt.	

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

The Speaker then laid Senate Bill No. 14 before the House on its third reading and final passage.

The bill was read third time.

Mr. Stinson offered the following amendment to the bill:

Amend Senate Bill No. 14, by adding after Section 2-c, a new section to be appropriately numbered as follows:

"Section 1. That the sum of five million dollars (\$5,000,000) be, and the same is hereby, appropriated out of the Texas Centennial Fund or so much of five million dollars (\$5,000,000) as may be accumulated in said fund from taxes collected by the State in the State Treasury for the establishment, maintenance, and operation of the Texas Centennial Exposition and for patriotic celebrations during said Centennial year for the period beginning November 1, 1934, and ending October 31, 1936; providing that each and every employe or item of expense of the Texas Centennial shall be paid by voucher, said voucher shall state the amount of salary or sum due and for what services performed or expenses incurred, with the date and time of such service or expense; and no money or monies shall be paid except upon presentation of said voucher or vouchers endorsed by the payee; and providing further that if any amount herein appropriated be not used for the purposes herein set out, the unused portion of such amount shall be returned to or left in the State Treasury; all vouchers for the payment of any monies described under the terms of this bill shall be drawn by the Comptroller of the Texas Centennial on the State Treasury of Texas and shall be countersigned by the Director General of the Texas Centennial.

"Sec. 2. That this Act shall be supplement to the Act passed by the Sec-

ond Called Session of the Forty-third Legislature creating a Texas Centennial Commission and cumulative thereof, except as to such parts of this Act as are in direct conflict with said creating Act, in which case or cases said former section or sections are hereby specifically repealed and the present Act shall be in full force and effect.

"Sec. 3. The Legislature of the State of Texas hereby selects and designates as a location for the holding of the Centennial Exposition and principal celebration the City of Dallas, Texas. The Legislature of the State of Texas further selects and designates as other places for the holding of a Centennial Celebration the following places and designates as the time for the holding of all such Centennial Celebrations the year of 1936: Taylor County, Randall County, Bastrop County, Bowie County, Brownwood County, Brazoria County, Belton, Washington County, Calhoun County, Colorado County, Houston County, El Paso, Fort Worth, Goliad County, Gonzales County, Harris County, Howard County, Huntsville, Jackson County, Jasper, Jefferson County, Smith County, Limestone County, Madison County, Fayette County, Nacogdoches, Anderson County, Pampa, Refugio County, Sabine County, San Augustine County, San Antonio, San Angelo, San Felipe, San Jacinto, San Patricio County, Jones County, Nolan County, Trans-Pecos Area, Travis County, Upshur County, Victoria County, Wheeler County, Wichita Falls, Willacy County, Wilbarger County, Cameron County, Hidalgo County, Starr County, West, McLennan County, Young County, Hill County, Rockwall County, and such other places as the Centennial Commission may find to be practical, feasible, and accessible, such place having such historical or industrial significance as may justify the holding of a celebration. The Centennial Commission in passing on the application of any locality for a celebration shall take into consideration the accessibility and local facilities of said place, and its financial ability to contribute local funds. The authority to determine these questions is hereby delegated to said Commission.

Within the term "celebration" as used in this section with reference to all places herein named, except the Cities of Dallas and Fort Worth, is included the following: the placing of

suitable markers of places where historic events occurred; the restoring at no great expense of all or of parts of old houses, forts, and other old structures connected with the history of the territory now embraced in the State of Texas; the placing of monuments to early patriots of Texas if such monuments have not heretofore been erected; the purchasing at no great expense of small tracts of land where necessary for the restorations herein mentioned, or for the monuments mentioned; and pageants at the places mentioned; provided that in the matter of pageants the Texas Centennial Commission may require a contribution by each local community which may be substantial and proportionate to the amount allowed by the Commission; provided further that in requiring such contributions in the matter of pageants the Centennial Commission may take into consideration the amounts already expended by each local community in preserving their historical spots.

"Notwithstanding the other provisions of this Act, the Commission shall not have the authority arbitrarily to refuse to allocate for the purposes of Centennial Celebration funds to any place designated in this section, but in case of refusal of such allocation to any such place must file its written report of reasons with the Advisory Board of Texas Historians provided for in Section 5 of this Act, and this report shall be a public record open for inspection.

"Sec. 4. That there shall be appointed a Comptroller of the Texas Centennial. Said Comptroller to be appointed by a committee composed of the Governor of the State of Texas, the Attorney General of Texas and the Comptroller of the State of Texas. Said Comptroller shall be a man who is recognized as an able accountant and auditor who holds a Certificate of Public Accounting and who shall be paid a salary of not to exceed six thousand dollars (\$6,000) per annum, to be paid in twelve equal monthly installments, such salary to be fixed by the above named committee. Said Comptroller shall be under a bond of twenty thousand dollars (\$20,000), such bond to be written by a surety company authorized to do business in the State of Texas, the expense of such bond to be paid out of the Texas Centennial Fund. Said Comptroller shall appoint such assistants from time to time as may be necessary,

none to be appointed at a salary to exceed three hundred dollars (\$300) per month, and such assistants to have the approval of the above named committee. It shall be the duty of the Comptroller of the Texas Centennial to establish and maintain an adequate system of accounting for the expenditure of the funds herein appropriated. It shall be the further duty of said Comptroller of the Texas Centennial to make a monthly report of such expenditures to the Governor of the State of Texas and to the Comptroller of the State of Texas, and to make a yearly report of such expenditures to each branch of the Legislature. Such report shall contain an itemized account of all expenditures, giving specific amounts paid for salaries and other expenditures and the period of time for which such money was expended. All compensation of said Comptroller of the Texas Centennial and his assistants and expense of said office shall be paid out of the sixty per cent (60%) fund allocated to the Central Exposition City.

"Sec. 5. There is hereby created an Advisory Board of Texas Historians, consisting of three members, whose duty it shall be to investigate and report upon and recommend to the Texas Centennial Commission the advisability as to the various expenditures for patriotic and cultural celebrations or observances, for restorations and for the placing of markers, etc., to vouch for the authenticity of the claims for Centennial recognition of the various places named herein, or that may be named hereafter; to weigh the relative merits of such claims and to decide as between them and to determine the kind and character of celebration, observance, memorial or marker at each place thus agreed upon. In all cases the Texas Centennial Commission shall have final jurisdiction in the matter of the above celebrations, etc., and as to expenditures for the same.

"The Advisory Board here created shall consist of Dr. Eugene C. Barker, Dr. Chas. K. Hackett, and L. W. Kemp. In the case of a vacancy caused by the failure to accept this appointment, or by resignation, or death, such vacancy shall be filled by appointment by the Governor of the State of Texas. This Advisory Board shall have its headquarters in Austin, Texas. The reasonably necessary expenses of the Advisory

Board incurred in the performance of its duties shall be paid by the Texas Centennial Commission out of Centennial Funds.

"Sec. 5-a. The State Health Officer shall have supervision of public health and sanitation, and shall enforce all sanitary laws of Texas in so far as they apply to all the activities of the Texas Centennial, and all necessary expenses therefor shall be paid out of the Centennial Funds for this purpose.

"Sec. 6. The Legislature of the State of Texas hereby allocates the money herein appropriated in the following manner:

"The sum of three million dollars (\$3,000,000), or so much thereof as may be necessary, shall be used to defray the cost of all general administrative expenses and for the cost of the central celebration in the City of Dallas and for the cost of the celebration in the City of Fort Worth.

"The sum of two hundred and fifty thousand dollars (\$250,000), or so much thereof as may be necessary, shall be used by the Board of Regents of the University of Texas for the equipment and fitting of the Texas Memorial Museum to be donated by the American Legion Department of the State of Texas at a cost of seven hundred and fifty thousand dollars (\$750,000), said museum to be located on the State University land in the City of Austin and to be under the supervision of the Board of Regents of the University of Texas.

"The sum of one million seven hundred fifty thousand dollars (\$1,750,000), or so much thereof as may be necessary, to be used for historic and cultural purposes and expenses directly incident thereto outside of the City of Dallas and the City of Fort Worth, Texas, and within the State of Texas, under such terms and at such places as shall be prescribed by the Texas Centennial Commission.

"Sec. 6-a. Provided, that the said Texas Centennial Fund shall be divided as the same comes into the State Treasury in two parts, sixty per cent (60%) of such receipts going into one fund to be available for and used to defray the expenses of all general administrative expenses and any expenses that may be required to be spent in the City of Dallas and of Fort Worth, Texas;

and forty per cent (40%) of such receipts going into another fund to be available for and used to defray the expenses of equipping and fitting said Memorial Museum and to be used for historical and cultural purposes outside of the Cities of Dallas and Fort Worth. And no part of either of said funds shall at any time be used for the purposes of the other of said funds. And the Comptroller of the Texas Centennial is hereby specifically prohibited from drawing any vouchers upon one of said funds for the payment of anything due on account of the other of said funds; provided, further, that no part of the general administrative costs, general publicity, and or general promotion cost shall be charged to or paid out of the said fund receiving forty per cent (40%) of the revenue in the Texas Centennial Fund.

"Sec. 6-b. The Centennial Fund as used herein is hereby defined to be a fund created by the Forty-third Legislature, Fourth Called Session, by special taxes voted by said Session and shall not constitute and be made up of any State funds from any other source whatever.

"Sec. 7. (1) An accurate account of all moneys and properties coming into the hands of the Centennial Commission from sales of concessions or otherwise shall be kept and it shall be the duty of the Comptroller General of the Texas Centennial Celebration to audit regularly monthly such accounts and to file with the Comptroller of Public Accounts of the State of Texas reports upon said audits of said funds and properties similar to those required of him in Section 4 of this Act as to the funds appropriated in this Act.

"(2) An accurate account of all monies and properties, affairs and transactions of any private corporation for which the Texas Centennial Commission may procure or cause to be procured a charter, shall be kept by each of such corporations and it shall be the duty of the Comptroller General of the Texas Centennial Exposition to make a regular monthly audit of all moneys and properties, affairs and transactions of each of said private corporations and to file with the Comptroller of Public Accounts of the State of Texas reports upon such audits of said monies and funds, affairs and transactions similar to those required of him in Sec-

tion 4 of this Act as to the funds appropriated in this Act.

"Sec. 8. The funds herein appropriated shall never be a charge against the general revenue of the State but shall be available as, if and when, the Legislature, by a special Act, shall assess special and/or additional taxes with which to pay the appropriation or appropriations herein authorized; but in no event shall the funds herein provided be available unless and until the City of Dallas shall have made available to the Commission the amount of money proposed in that city's agreement with the Centennial Commission.

"Sec. 9. It shall be unlawful for any member of the Centennial Commission or any member of the Centennial Commission Advisory Board to charge, receive or obtain, directly or indirectly, any fee, commission, retainer, or brokerage, out of any fund or funds received by the Centennial Commission; and no member of the Centennial Commission or the Centennial Commission Advisory Board shall have any interest in any land, materials, concessions or contracts sold to or made with either the Centennial Commission or the Centennial Commission Advisory Board or any individual or committee represented by any member of said Commission or Advisory Board. Violation of this provision shall be a misdemeanor and violation thereof shall be punishable by removal from such Commission or Advisory Board and by fine of not less than one hundred dollars (\$100) or six months' confinement in jail or by both such fine and jail sentence.

"Sec. 10. The Centennial Commission and the Board of Control are hereby prohibited from contracting for the purchase or acquirement by lease or otherwise of real estate unless and until the deeds, records and all other necessary legal documents incident thereto have been approved by the Attorney General of the State of Texas, as now provided by law.

"Sec. 11. No part of the funds herein appropriated shall be used or expended by the Centennial Commission or by any committee or member thereof, nor by any other committee, individual, community, corporation or political subdivision for the erection of permanent buildings upon any land or lands, the title to which land

or lands is not vested in the State of Texas.

"Sec. 12. None of the funds herein provided, nor any of the funds arising from any other source or coming under the supervision of the Centennial Commission or the Board of Control for the Centennial shall be used to pay the salary of any member of the Texas Centennial Commission or any member of the Centennial Commission Advisory Board or any employe of said Commission who is related by blood or marriage within the second degree to any member of the Centennial Commission or the Centennial Commission Advisory Board, or the head of any Department of the State Government, or to any Member of the Legislature, or to any member or employe of the Board of Control, and no person so related shall be employed by the Centennial Commission or by the Board of Control under this Act.

"Sec. 13. Before any of the funds herein appropriated shall become available for expenditure directly by the members of the Centennial Commission, it shall be necessary for said Commission through its proper officers or committees to make a budget of such funds and submit such budget to a committee to be composed of the Governor, the Chairman of the Board of Control and the State Auditor and Efficiency Expert. Such committee composed of the Governor, Chairman of the Board of Control and State Auditor and Efficiency Expert shall keep a copy of the budget and minutes of its meetings in a permanent record book which shall at all times be available for inspection by any citizen of the State, such book of records and budget to be a permanent record in the office of the State Auditor and Efficiency Expert.

"All funds expended under this Act shall be drawn from the Treasury of the State of Texas by warrants properly signed by the Comptroller of Public Accounts and the Treasurer of the State as the law now provides.

"Sec. 14. In the construction, erection, equipment or maintenance of buildings, monuments or markers, herein provided, all bids and contracts for supplies, equipment and material for such buildings, monuments, and markers shall be advertised and accepted by the Board of Control as provided for in Article 665, Chapter 4, of the Laws of the State of Texas.

Provided, however, that the Centennial Commission through its executive committee shall be permitted to expend up to and including twenty-five thousand dollars (\$25,000) for any one or more building, monument, marker, or other structure without bids therefor being advertised, supervised or approved by the State Board of Control.

"Sec. 15. It is understood and expressly provided that should any clause, section, or provision of this Act be hereafter held invalid for any reason, that such invalidity shall not in any way affect any other provision of the Act."

STINSON,
SAVAGE,
PARKHOUSE,
REED of Dallas,
HUGHES.

Mr. Griffith raised a point of order on further consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker overruled the point of order.

Mr. Moore offered the following amendment to the amendment:

"Provided that \$750,000 of said \$5,000,000 shall be used to erect a memorial at the San Jacinto battlefield."

The amendment was adopted.

Mr. Patterson moved that the House adjourn until 9 o'clock a. m., tomorrow.

The motion was lost by the following vote:

Yeas—49

Alexander.	Jones of Runnels.
Alsup.	Laird.
Barron.	Mathis.
Beck.	McCullough.
Bedford.	McGregor.
Bergman.	Morse.
Bourne.	Nicholson.
Butler.	Patterson.
Canon.	Pavlica.
Celaya.	Puryear.
Colson.	Reed of Bowie.
Crossley.	Renfro.
Dunagan.	Roark.
Glass.	Roberts.
Harris.	Rogers
Hill.	of Ochiltree.
Holekamp.	Scott.
Holland.	Stanfield.
Huddleston.	Stovall.
Hunt.	Stubbeman.
Hunter.	Tarwater.

Tennyson.
Tillery.
Vaughan.
Venable.

Wagstaff.
Walker.
Winningham.
Young.

Nays—68

Aikin.	Johnson
Atchison.	of Anderson.
Baker.	Jones of Atascosa.
Barrett.	Jones of Shelby.
Bradley.	Kayton.
Burns.	Kyle of Hays.
Calvert.	Kyle of Palo Pinto.
Camp.	Latham.
Cathey.	Leonard.
Chastain.	Mackay.
Clayton.	Magee.
Coombes.	McKee.
Cowley.	Metcalfe.
Daniel.	Mitcham.
Davidson.	Moffett.
Dean.	Moore.
Duvall.	Morrison.
Engelhard.	Munson.
Fain.	Parkhouse.
Fuchs.	Pope.
Golson.	Ratliff.
Good.	Ray.
Goodman.	Reed of Dallas.
Greathouse.	Riddle.
Griffith.	Rogers of Hunt.
Hankamer.	Rollins.
Harman.	Savage.
Head.	Scarborough.
Hicks.	Stinson.
Holloway.	Thomas.
Hoskins.	Townsend.
Hughes.	Turlington.
Jackson.	Van Zandt.
James.	Wells.
	Wood.

Absent

Anderson.	Lindsey.
Caven.	Long.
Devall.	Lotief.
Dunlap.	Merritt.
Dwyer.	Palmer.
Graves.	Ramsey.
Harrison.	Reader.
Hartzog.	Shannon.
Hodges.	Shults.
Hyder.	Smith.
Jefferson.	Steward.
Lange.	Weinert.
Lemens.	

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

Mr. Wagstaff offered the following substitute for the amendment by Mr. Stinson:

Substitute for amendment to Senate Bill No. 14, by adding at the end of Section 1, the following:

"There is hereby appropriated the sum of one million dollars (\$1,000,000) out of funds in the State Treasury not otherwise appropriated, as a grant to the Centennial Commission, and the moneys herein appropriated shall be withdrawn and expended by and under the direction of the said Commission."

Mr. Stinson moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—87

Alexander.	Hyder.
Alsup.	Jackson.
Atchison.	James.
Baker.	Jones of Atascosa.
Barrett.	Jones of Runnels.
Barron.	Kayton.
Beck.	Kyle of Hays.
Bedford.	Kyle of Palo Pinto.
Bergman.	Laird.
Bradley.	Lindsey.
Burns.	Mackay.
Butler.	Magee.
Calvert.	Mathis.
Camp.	McCullough.
Canon.	McGregor.
Cathey.	Metcalf.
Celaya.	Morrison.
Cowley.	Munson.
Davidson.	Parkhouse.
Dean.	Patterson.
Dunagan.	Pavlica.
Duvall.	Pope.
Engelhard.	Puryear.
Fain.	Ray.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Golson.	Riddle.
Goodman.	Roark.
Greathouse.	Savage.
Griffith.	Scarborough.
Hankamer.	Scott.
Harris.	Stanfield.
Hartzog.	Stinson.
Hicks.	Stovall.
Holekamp.	Stubbeman.
Holland.	Tarwater.
Holloway.	Tennyson.
Hoskins.	Thomas.
Huddleston.	Van Zandt.
Hughes.	Vaughan.
Hunt.	Venable.
Hunter.	Walker.

Wells.
Wood.

Young.

Nays—28

Aikin.	Morse.
Chastain.	Nicholson.
Colson.	Ratliff.
Coombes.	Renfro.
Crossley.	Roberts.
Daniel.	Rogers of Hunt.
Dunlap.	Rogers
Good.	of Ochiltree.
Head.	Rollins.
Jones of Shelby.	Tillery.
Latham.	Townsend.
Leonard.	Turlington.
McKee.	Wagstaff.
Mitcham.	Winningham.
Moore.	

Absent

Anderson.	Lange.
Bourne.	Lemens.
Caven.	Long.
Clayton.	Lotief.
Devall.	Merritt.
Dwyer.	Moffett.
Graves.	Ramsey.
Harman.	Palmer.
Harrison.	Reader.
Hill.	Shannon.
Hodges.	Shults.
Jefferson.	Smith.
Johnson	Steward.
of Anderson.	Weinert.

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

Mr. Chastain and Mr. Good offered the following amendment to the amendment:

Amend amendment by reducing total amount to \$3,000,000.

CHASTAIN,
GOOD.

Mr. Rogers of Ochiltree moved to table the amendment by Mr. Chastain.

Question recurring on the motion to table, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—65

Aikin.	Beck.
Alexander.	Bergman.
Alsup.	Bourne.
Atchison.	Burns.
Barron.	Butler.

Calvert.	Laird.
Canon.	Mathis.
Celaya.	McCullough.
Cowley.	McGregor.
Crossley.	McKee.
Davidson.	Metcalf.
Dunagan.	Mitcham.
Duvall.	Palmer.
Dwyer.	Patterson.
Glass.	Pavlica.
Greathouse.	Puryear.
Griffith.	Ratliff.
Harris.	Reed of Bowie.
Hartzog.	Riddle.
Hicks.	Roark.
Holekamp.	Rogers
Holland.	of Ochi tree.
Holloway.	Scarborough.
Hoskins.	Scott.
Huddleston.	Stanfield.
Hunt.	Stubbeman.
Hunter.	Tarwater.
Hyder.	Tennyson.
Jackson.	Tillery.
James.	Wagstaff.
Jones of Atascosa.	Walker.
Jones of Runnels.	Wells.
Jones of Shelby.	Young.
Kayton.	

Nays—52

Baker.	Magee.
Barrett.	Moffett.
Camp.	Moore.
Cathey.	Morrison.
Chastain.	Morse.
Clayton.	Munson.
Colson.	Nicholson.
Coombes.	Parkhouse.
Daniel.	Pope.
Dean.	Ray.
Dunlap.	Reed of Dallas.
Engelhard.	Renfro.
Fain.	Roberts.
Fuchs.	Rogers of Hunt.
Golson.	Rollins.
Good.	Savage.
Goodman.	Stinson.
Hankamer.	Stovall.
Harman.	Thomas.
Head.	Townsend.
Hughes.	Turlington.
Kyle of Hays.	Van Zandt.
Kyle of Palo Pinto.	Vaughan.
Latham.	Venable.
Lindsey.	Winningham.
Mackay.	Wood.

Absent

Anderson.	Hill.
Bedford.	Hodges.
Bradley.	Jefferson.
Caven.	Johnson
Devall.	of Anderson.
Graves.	Lange.
Harrison.	Lemens.

Leonard.	Shannon.
Long.	Shults.
Lotief.	Smith.
Merritt.	Steward.
Ramsey.	Weinert.
Reader.	

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

Mr. Rogers of Ochiltree moved to table the amendment offered by Mr. Stinson and others.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—79

Aikin.	James.
Alexander.	Jones of Atascosa.
Alsup.	Jones of Runnels.
Anderson.	Jones of Shelby.
Barron.	Laird.
Beck.	Latham.
Bedford.	Magee.
Bergman.	Mathis.
Bourne.	McGregor.
Bradley.	Metcalf.
Burns.	Mitcham.
Butler.	Moffett.
Calvert.	Moore.
Canon.	Morse.
Cathey.	Patterson.
Celaya.	Pavlica.
Chastain.	Puryear.
Colson.	Ratliff.
Cowley.	Reed of Bowie.
Crossley.	Renfro.
Davidson.	Riddle.
Dean.	Roark.
Dunagan.	Roberts.
Dwyer.	Rogers
Fain.	of Ochiltree.
Glass.	Scarborough.
Good.	Scott.
Goodman.	Stanfield.
Greathouse.	Stubbeman.
Harris.	Tarwater.
Head.	Tennyson.
Hicks.	Thomas.
Hill.	Tillery.
Holekamp.	Turlington.
Holland.	Vaughan.
Holloway.	Venable.
Huddleston.	Wagstaff.
Hunt.	Walker.
Hunter.	Wells.
Jackson.	Young.

Nays—40

Atchison.	Baker.
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Barrett.	Kyle of Palo Pinto.
Camp.	Leonard.
Clayton.	Lindsey.
Coombes.	Mackay.
Daniel.	McKee.
Dunlap.	Munson.
Duvall.	Nicholson.
Engelhard.	Parkhouse.
Fuchs.	Pope.
Golson.	Ray.
Griffith.	Reed of Dallas.
Hankamer.	Rogers of Hunt.
Harman.	Rollins.
Hartzog.	Savage.
Hoskins.	Stinson.
Hughes.	Stovall.
Hyder.	Townsend.
Kayton.	Van Zandt.
Kyle of Hays.	Wood.

Absent

Caven.	McCullough.
Devall.	Merritt.
Graves.	Morrison.
Harrison.	Palmer.
Hodges.	Ramsey.
Jefferson.	Reader.
Johnson	Shannon.
of Anderson.	Shults.
Lange.	Smith.
Lemens.	Steward.
Long.	Weinert.
Lotief.	Winningham.

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

Senate Bill No. 14 was then passed by the following vote:

Yeas—82

Alexander.	Duvall.
Alsup.	Engelhard.
Anderson.	Fain.
Atchison.	Fuchs.
Baker.	Golson.
Barrett.	Goodman.
Bedford.	Greathouse.
Bradley.	Griffith.
Burns.	Hankamer.
Calvert.	Harman.
Camp.	Hartzog.
Celaya.	Head.
Chastain.	Hill.
Clayton.	Holekamp.
Colson.	Hoskins.
Cowley.	Hughes.
Daniel.	Jackson.
Davidson.	Jones of Shelby.
Dean.	Kayton.
Dunlap.	Kyle of Hays.

Kyle of Palo Pinto.	Renfro.
Laird.	Riddle.
Latham.	Roberts.
Leonard.	Rogers of Hunt.
Mackay.	Rogers
Magee.	of Ochiltree.
Mathis.	Savage.
McGregor.	Scarborough.
McKee.	Stanfield.
Metcalfe.	Stinson.
Moffett.	Stovall.
Moore.	Stubbeman.
Morrison.	Tarwater.
Morse.	Thomas.
Munson.	Townsend.
Nicholson.	Turlington.
Patterson.	Van Zandt.
Pavlica.	Venable.
Pope.	Wells.
Ratliff.	Wood.
Ray.	Young.
Reed of Dallas.	

Nays—36

Aikin.	Hunter.
Beck.	Hyder.
Bergman.	James.
Bourne.	Jones of Atascosa.
Butler.	Jones of Runnels.
Canon.	Lindsey.
Cathey.	McCullough.
Coombes.	Mitcham.
Dunagan.	Puryear.
Dwyer.	Reed of Bowie.
Glass.	Roark.
Good.	Rollins.
Harris.	Scott.
Hicks.	Tennyson.
Holland.	Tillery.
Holloway.	Vaughan.
Huddleston.	Wagstaff.
Hunt.	Walker.

Absent

Barron.	Lotief.
Caven.	Merritt.
Crossley.	Palmer.
Devall.	Parkhouse.
Graves.	Ramsey.
Harrison.	Reader.
Hodges.	Shannon.
Jefferson.	Shults.
Johnson	Smith.
of Anderson.	Steward.
Lange.	Weinert.
Lemens.	Winningham.
Long.	

Absent—Excused

Adamson.	Johnson
Fisher.	of Dimmit.
Ford.	McDougald.
Hester.	Russell.

RELATIVE TO SENATE BILL NO. 2

Mr. Scarborough moved to reconsider the vote, by which the substitute motion of Mr. Moore that the conference committee report on Senate Bill No. 2 be not adopted, was lost, and asked to have the motion to reconsider spread on the Journal.

Mr. Scarborough gave notice that he would on the next Legislative Day call up the motion to reconsider.

ADJOURNMENT

On motion of Mr. Patterson, the House at 10:40 o'clock p. m., adjourned until 9 o'clock Saturday, November 10.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees filed favorable reports on bills, as follows:

Judiciary: House Bill No. 78.

Appropriations: Senate Bill No. 4.

Municipal and Private Corporations: Senate Bill No. 19.

School Districts: Senate Bill No. 21.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 77, A bill to be entitled "An Act authorizing county commissioners courts to purchase materials for the purpose of aiding and co-operating with the agencies of the State and Federal Governments in the construction of buildings for the purpose of housing canneries and canning factories where appropriations have been or may hereafter be made out of the Federal and State funds set aside for the relief of the unemployed and needy people in the State of Texas; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 40, "An Act amending Chapter 28, of the Special Laws of the First Called Session of the Forty-third Legislature; providing a penalty, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 31, "An Act validating bonds issued, authorized by ordinance to be issued and/or attempted to be issued under the authority of Articles 1111 to 1118, both inclusive, of the Texas Revised Civil Statutes of 1925, and the amendment thereto contained in Acts of 1933, Forty-third Legislature, page 320, Chapter 122, for the purpose of improving and extending an existing municipal sewer system by Home Rule cities having a population in excess of one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, and which bonds are payable exclusively from the revenues of such systems, and are secured only by a pledge of such revenues, and which bonds are to be issued, delivered and sold under existing contracts to the United States of America, and validating all orders, ordinances and resolutions of the governing bodies of such cities authorizing such bonds or attempting to authorize the same, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 75, "An Act to amend Article 880, of the Penal Code of 1925, by providing that Brazoria County be added to the list of counties excepted from the provisions of said article, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 53, "An Act making an appropriation to pay deficiency claims accruing in the State Banking Department during the fiscal year ending August 31, 1934, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 12, "An Act making appropriation for the manufacturing of typhus vaccines and serums by the State Health Department and paying for such extra labor as may be necessary, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 39, "An Act amending Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended, so as to extend the time within which the contracts, bonds, notes, or other evidence of indebtedness authorized by said Chapter 130, as amended, shall not be issued or executed after the 31st day of December, 1935, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 26, "An Act amending Article 1976, of Title 42, Chapter 1, of the 1925 Revised Civil Statutes, of the State of Texas, so as to provide the actual possession of property not necessary to maintain action provided for in Article 1975, Title 42, Chapter 1, of the 1925 Revised Civil Statutes, of Texas; providing the manner of service on defendant or defendants in such action, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 42, "An Act making appropriation, out of any moneys not otherwise appropriated, to pay for record cases, equipment and furnishings for the Record Bureau to be purchased by the State Board of Control, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 23, "An Act changing the time of holding the terms of the District Court in the One Hundredth Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed, and returned to existing terms of district court in the counties composing said district, together with jurors heretofore selected are valid and returnable to the first term of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms; repealing all

conflicting laws; fixing the effective date of the Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 67, "An Act authorizing cities and towns having a population of not more than twenty-eight thousand (28,000) inhabitants nor less than twenty-seven thousand (27,000) inhabitants as shown by the next preceding Federal Census to build, construct, enlarge, encumber or purchase municipal boathouses, and boat piling protections and wharfs, docks, walks, ways, walls, bulkheads and fills in connection with and in aid of the use of such boathouses and boat piling protections; to borrow money and accept grants for such purpose from the Federal Government or any of its agencies, or to borrow money from any other sources and to issue revenue bonds or warrants therefor and secure the payment of the same by mortgaging the physical property so acquired or to be built or acquired and the net revenues therefrom; and providing that such cities may stipulate with the lender that a purchaser at sale or foreclosure shall have a permit to operate the same in accordance with the laws then or thereafter in effect regulating such houses and protections; and providing that such obligation shall never be a debt of such city, but shall be solely a charge on the property so encumbered, and the revenues therefrom; and providing that such houses and protections may be improved, repaired or extended; and providing that the provisions of Article 2368-a, Revised Civil Statutes of Texas, of 1925, with reference to notice, the right of referendum and competitive bidding, shall not be applicable to all projects financed under this Act; and providing that the revenue warrants or bonds issued hereunder shall have stamped or written thereon that the holder thereof shall never be entitled to demand the payment of such bonds or warrants out of any funds raised or to be raised by taxation; repealing all laws in conflict herewith; providing a

saving clause, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,

Austin, Texas, November 9, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 4, Protesting the classifications of wage scales under a ruling of Thomas H. McDonald, Chief of Bureau, and directing that such protest be sent to President Roosevelt and the Administrator,

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

TWENTIETH DAY

(Saturday, November 10, 1934)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Fuchs.
Aikin.	Glass.
Alexander.	Golson.
Alsup.	Good.
Atchison.	Goodman.
Baker.	Graves.
Barrett.	Greathouse.
Beck.	Griffith.
Bedford.	Hankamer.
Bergman.	Harman.
Bourne.	Harris.
Bradley.	Hartzog.
Burns.	Head.
Calvert.	Hicks.
Camp.	Hill.
Canon.	Hodges.
Cathey.	Holekamp.
Celaya.	Holland.
Chastain.	Holloway.
Colson.	Hoskins.
Cowley.	Huddleston.
Crossley.	Hughes.
Daniel.	Hunt.
Davidson.	Hunter.
Dean.	Hyder.
Dunlap.	Jackson.
Dunagan.	James.
Duvall.	Jefferson.
Dwyer.	Johnson
Engelhard.	of Anderson.
Fain.	Jones of Atascosa.
Fisher.	Jones of Runnels.
Ford.	Jones of Shelby.